

Title 173 WAC

ECOLOGY, DEPARTMENT OF

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173-546	Water resources management program—Entiat River basin water resource inventory area (WRIA) 46.	173-08-040	effective 12/31/95. Statutory Authority: RCW 90.60.-040.
173-548	Water resources program in the Methow River basin, WRIA-48.		Master application form. [Order DE 77-23, § 173-08-040, filed 12/1/77; Order 74-6, § 173-08-040, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-549	Water resources program in the Okanogan River basin, WRIA-49.	173-08-050	Scope of master application procedure. [Order DE 77-23, § 173-08-050, filed 12/1/77; Order 74-6, § 173-08-050, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-555	Water resources program in the Little Spokane River basin, WRIA-55.		Certification. [Order 74-6, § 173-08-060, filed 5/1/74.] Repealed by Order DE 77-23, filed 12/1/77.
173-559	Water resources program for the Colville River basin, WRIA-59.	173-08-060	Modification of the proposed project. [Order DE 77-23, § 173-08-065, filed 12/1/77.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-563	Instream resources protection program for the main stem Columbia River in Washington state.	173-08-065	Appeals to final decisions. [Order DE 77-23, § 173-08-070, filed 12/1/77.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-564	Water resources management program for the main stem of the Snake River in Washington state.	173-08-070	
173-590	Procedures relating to the reservation of water for future public water supply.		
173-591	Reservation of future public water supply for Thurston County.		
173-592	Reservation of future public water supply for Clark County.	173-09-010	Authority and purpose. [Statutory Authority: RCW 90.60.140. 96-15-104, § 173-09-010, filed 7/22/96, effective 8/22/96. Statutory Authority: RCW 90.60.040. 95-24-040 (Order 95-13), § 173-09-010, filed 11/30/95, effective 12/31/95.] Repealed by 01-05-035 (Order 00-22), filed 2/13/01, effective 3/16/01. Statutory Authority: Chapter 43.21A RCW.
173-802	SEPA procedures.		
173-806	Model ordinance.		
173-900	Electronic products recycling program.	173-09-020	Definitions. [Statutory Authority: RCW 90.60.140. 96-15-104, § 173-09-020, filed 7/22/96, effective 8/22/96. Statutory Authority: RCW 90.60.040. 95-24-040 (Order 95-13), § 173-09-020, filed 11/30/95, effective 12/31/95.] Repealed by 01-05-035 (Order 00-22), filed 2/13/01, effective 3/16/01. Statutory Authority: Chapter 43.21A RCW.

**DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLE**

**Chapter 173-02
METHODS OF OPERATION AND ORGANIZATION**

173-02-010	Purpose. [Order 71-9, § 173-02-010, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-09-030	Designation of a coordinating permit agency. [Statutory Authority: RCW 90.60.040. 95-24-040 (Order 95-13), § 173-09-030, filed 11/30/95, effective 12/31/95.] Repealed by 01-05-035 (Order 00-22), filed 2/13/01, effective 3/16/01. Statutory Authority: Chapter 43.21A RCW.
173-02-020	General responsibilities. [Order 71-9, § 173-02-020, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-09-040	Brief adjudicative proceedings—Expedited appeal of coordinated permit process timelines. [Statutory Authority: RCW 90.60.140. 96-15-104, § 173-09-040, filed 7/22/96, effective 8/22/96.] Repealed by 01-05-035 (Order 00-22), filed 2/13/01, effective 3/16/01. Statutory Authority: Chapter 43.21A RCW.
173-02-030	Organization. [Order 71-9, § 173-02-030, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.		
173-02-040	Functions. [Order 71-9, § 173-02-040, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.		
173-02-050	Ecological commission. [Order 71-9, § 173-02-050, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-10-010	Authority. [Order DE 75-26, § 173-10-010, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-02-060	Public information. [Order 71-9, § 173-02-060, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-10-020	Purpose. [Order DE 75-26, § 173-10-020, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-02-070	Submissions and requests. [Order 71-9, § 173-02-070, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.	173-10-030	Definitions. [Order DE 75-26, § 173-10-030, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.

**Chapter 173-08
ENVIRONMENTAL COORDINATION PROCEDURES ACT OF
1973—MASTER APPLICATION PROCEDURES**

173-08-010	Authority. [Order DE 77-23, § 173-08-010, filed 12/1/77; Order 74-6, § 173-08-010, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.	173-10-050	Public notice. [Order DE 75-26, § 173-10-050, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-08-020	Purpose. [Order DE 77-23, § 173-08-020, filed 12/1/77; Order 74-6, § 173-08-020, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.	173-10-060	Procedures superseded. [Order DE 75-26, § 173-10-060, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.
173-08-030	Definitions. [Order DE 77-23, § 173-08-030, filed 12/1/77; Order 74-6, § 173-08-030, filed 5/1/74.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.	173-10-070	Public hearing. [Order DE 75-26, § 173-10-070, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.

173-10-080	Public notice of public hearing. [Order DE 75-26, § 173-10-080, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.		Order DE 75-22, § 173-14-040, filed 10/16/75; Order 71-18, § 173-14-040, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-10-090	Scope of single application procedure. [Order DE 75-26, § 173-10-090, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.	173-14-050	Application of the permit system to substantial development undertaken prior to the act. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-050, filed 6/14/78; Order 73-23, § 173-14-050, filed 10/23/73; Order 71-18, § 173-14-050, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-10-100	Final action on the single application. [Order DE 75-26, § 173-10-100, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.		
173-10-110	Appeal. [Order DE 75-26, § 173-10-110, filed 11/7/75.] Repealed by 95-24-040 (Order 95-13), filed 11/30/95, effective 12/31/95. Statutory Authority: RCW 90.60.040.	173-14-055	Nonconforming development standards. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-14-055, filed 8/5/87. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-055, filed 5/23/86.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
Chapter 173-12 GENERAL PROCEDURE			
173-12-010	Purpose. [Order DE 70-11, § 173-12-010, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.	173-14-060	Time requirements of permit. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-14-060, filed 8/5/87; 80-04-027 (Order DE 80-9), § 173-14-060, filed 3/18/80; 78-07-011 (Order DE 78-7), § 173-14-060, filed 6/14/78; Order DE 75-22, § 173-14-060, filed 10/16/75; Order 71-18, § 173-14-060, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-12-020	Scope of directions—Requests for advice and guidance. [Order DE 70-11, § 173-12-020, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.		
173-12-030	Requests of the director for advice and guidance. [Order 71-10, § 173-12-030, filed 8/4/71; Order DE 70-11, § 173-12-030, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.	173-14-062	Applicability of permit system to federal agencies. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-062, filed 6/14/78; Order DE 75-22, § 173-14-062, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-12-040	Ecological commission submission of views. [Order DE 70-11, § 173-12-040, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.	173-14-064	Revisions to permits. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-064, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-064, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-064, filed 6/14/78; Order DE 76-17, § 173-14-064, filed 7/27/76; Order DE 75-22, § 173-14-064, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-12-050	Adoption of regulations. [Order 71-10, § 173-12-050, filed 8/4/71; Order DE 70-11, § 173-12-050, filed 1/5/71.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.		
173-12-060	Meetings. [Order DE 72-16, § 173-12-060, filed 6/30/72.] Repealed by 95-09-036 (Order 94-47), filed 4/13/95, effective 5/14/95. Statutory Authority: Chapter 43.21 and 34.05 RCW.	173-14-070	Notice required. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-070, filed 6/14/78; Order DE 76-17, § 173-14-070, filed 7/27/76; Order DE 75-22, § 173-14-070, filed 10/16/75; Order 71-18, § 173-14-070, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
Chapter 173-14 PERMITS FOR DEVELOPMENTS ON SHORELINES OF THE STATE			
173-14-010	Authority. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-010, filed 6/14/78; Order DE 75-22, § 173-14-010, filed 10/16/75; Order 71-18, § 173-14-010, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-14-080	Public hearings. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-080, filed 6/14/78; Order DE 75-22, § 173-14-080, filed 10/16/75; Order 71-18, § 173-14-080, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-14-020	Purpose. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-020, filed 6/14/78; Order DE 75-22, § 173-14-020, filed 10/16/75; Order 71-18, § 173-14-020, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-14-090	Filing with department and attorney general. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-090, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-090, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-090, filed 6/14/78; Order DE 76-17, § 173-14-090, filed 7/27/76; Order DE 75-22, § 173-14-090, filed 10/16/75; Order 71-18, § 173-14-090, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-14-030	Definitions. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-004 (Order DE 88-23), § 173-14-030, filed 9/8/88. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-030, filed 5/23/86. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-030, filed 6/14/78; Order DE 76-17, § 173-14-030, filed 7/27/76; Order DE 75-22, § 173-14-030, filed 10/16/75; Order 71-18, § 173-14-030, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-14-100	Review criteria for substantial development permits. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-100, filed 6/14/78; Order DE 75-22, § 173-14-100, filed 10/16/75; Order 71-18, § 173-14-100, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-14-040	Developments exempt from substantial development permit requirement. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-040, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-040, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-040, filed 6/14/78; Order DE 76-17, § 173-14-040, filed 7/27/76; Order DE 75-28, § 173-14-040, filed 12/4/75;	173-14-110	Application for substantial development, conditional use, or variance permit. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-110,

	filed 6/14/78; Order DE 76-17, § 173-14-110, filed 7/27/76; Order DE 75-22, § 173-14-110, filed 10/16/75; Order 71-18, § 173-14-110, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-14-115	Letter of exemption. [Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-115, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-115, filed 6/14/78; Order DE 76-17, § 173-14-115, filed 7/27/76; Order DE 75-22, § 173-14-115, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-14-190
173-14-120	Permits for substantial development, conditional use, or variance. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-120, filed 6/14/78; Order DE 76-17, § 173-14-120, filed 7/27/76; Order DE 75-22, § 173-14-120, filed 10/16/75; Order 71-18, § 173-14-120, filed 12/16/71.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-14-130	Department review of conditional use and variance permits. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-130, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-130, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-130, filed 6/14/78; Order DE 76-17, § 173-14-130, filed 7/27/76; Order DE 75-22, § 173-14-130, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-14-140	Review criteria for conditional use permits. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-140, filed 5/23/86. Statutory Authority: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 173-14-140, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-140, filed 6/14/78; Order DE 75-22, § 173-14-140, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-14-150	Review criteria for variance permits. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-150, filed 5/23/86. Statutory Authority: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 173-14-150, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-150, filed 6/14/78; Order DE 76-17, § 173-14-150, filed 7/27/76; Order DE 75-22, § 173-14-150, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-14-155	Minimum standards for conditional use and variance permits. [Statutory Authority: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 173-14-155, filed 2/2/81.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-14-160	Department of ecology review. [Order DE 76-17, § 173-14-160, filed 7/27/76; Order DE 75-22, § 173-14-160, filed 10/16/75.] Repealed by 78-07-001 (Order DE 78-7), filed 6/14/78. Statutory Authority: RCW 90.58.200.	
173-14-170	Requests for review. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-170, filed 6/14/78; Order DE 75-22, § 173-14-170, filed 10/16/75.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-14-174	Certification of requests for review. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-174, filed 6/14/78.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-14-180	Regulatory orders by local government or the department. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-180, filed 5/23/86. Statutory Authority: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 173-14-180, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-180, filed 6/14/78; Order DE	76-17, § 173-14-180, filed 7/27/76; Order DE 75-22, § 173-14-180, filed 10/16/75.] Repealed by 87-16-101 (Order DE 87-09), filed 8/5/87. Statutory Authority: RCW 90.58.200. Hearings on regulatory orders. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-190, filed 6/14/78; Order DE 75-22, § 173-14-190, filed 10/16/75.] Repealed by 81-04-027 (Order DE 80-52), filed 2/2/81. Statutory Authority: RCW 90.58.200 and 90.58.140(3).

Chapter 173-16 SHORELINE MANAGEMENT ACT GUIDELINES FOR DEVELOPMENT OF MASTER PROGRAMS

173-16-010	Purpose. [Order DE 72-12, § 173-16-010, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-16-020	Applicability. [Order DE 72-12, § 173-16-020, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-16-030	Definitions. [Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-16-030, filed 4/15/85; Order DE 72-12, § 173-16-030, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-16-040	The master program. [Order DE 72-12, § 173-16-040, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-16-050	Natural systems. [Order DE 72-12, § 173-16-050, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-16-060	The use activities. [Statutory Authority: RCW 90.58.060 and 90.58.190. 80-15-072 (Order DE-80-37), § 173-16-060, filed 10/17/80; Order DE 72-12, § 173-16-060, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-16-064	Ocean management. [Statutory Authority: RCW 90.58.195. 91-10-033 (Order 91-08), § 173-16-064, filed 4/24/91, effective 5/25/91.] Decodified by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200. Recodified as WAC 173-26-360.
173-16-070	Variances and conditional uses. [Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-16-070, filed 4/15/85; Order DE 72-12, § 173-16-070, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-16-200	Appendix. [Order DE 72-12, § 173-16-200, filed 6/20/72 and 7/20/72.] Repealed by 00-24-031 (Order 95-17a), filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.060 and 90.58.200.

Reviser's note: Later promulgation, see chapter 173-26 WAC.

Chapter 173-17 SHORELINE MANAGEMENT ACT ENFORCEMENT REGULATIONS

173-17-010	Authority and purpose. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-010, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-17-020	Definitions. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-020, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-17-030	Policy. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-030, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-17-040	Order to cease and desist. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-040, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17),

	filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-17-050	Civil penalty. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-050, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-064	Review and adoption of master programs and amendments by the department. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-19-064, filed 8/5/87. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-064, filed 5/23/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-064, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-17-060	Appeal of civil penalty. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-060, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-17-070	Criminal penalty. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-070, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-070	Appeal procedures for master programs. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-19-070, filed 8/5/87; Order DE 74-23, § 173-19-070, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-17-080	Oil or natural gas exploration—Penalty. [Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-080, filed 8/5/87.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-080	Applicability of master program to federal agencies. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-080, filed 1/30/80; Order DE 74-23, § 173-19-080, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
Chapter 173-19			
SHORELINE MANAGEMENT ACT OF 1971—STATE MASTER PROGRAM			
173-19-010	Purpose. [Order DE 74-23, § 173-19-010, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-090	Adams County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-090, filed 8/2/79; Order DE 77-16, § 173-19-090, filed 9/9/77; Order DE 74-23, § 173-19-090, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-020	Definitions. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-020, filed 5/23/86; Order DE 74-23, § 173-19-020, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-100	Asotin County. [Statutory Authority: RCW 90.58.200. 94-16-085 (Order 94-05), § 173-19-100, filed 8/1/94, effective 9/1/94. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-100, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-100, filed 8/2/79; Order DE 75-21, § 173-19-100, filed 8/12/75; Order DE 74-23, § 173-19-100, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-030	Master programs organized by county. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-030, filed 1/30/80; Order DE 74-23, § 173-19-030, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1001	Asotin, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1001, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-040	Date of adoption or approval. [Order DE 74-23, § 173-19-040, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1002	Clarkston, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1002, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-044	Local government change of jurisdiction—Effect of annexation. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-044, filed 5/23/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-044, filed 8/2/79.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-110	Benton County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-110, filed 1/30/80; 79-11-053 (Order DE 79-28), § 173-19-110, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-110, filed 8/2/79; Order DE 76-15, § 173-19-110, filed 5/3/76; Order DE 75-21, § 173-19-110, filed 8/12/75; Order DE 74-23, § 173-19-110, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-050	Incorporation by reference. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-050, filed 5/23/86; Order DE 74-23, § 173-19-050, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1101	Benton City, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1101, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-060	Amendment of master programs. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-060, filed 5/23/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-060, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-060, filed 8/2/79; Order DE 74-23, § 173-19-060, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1102	Kennewick, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1102, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-061	Approval of master programs and amendments by local government. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-061, filed 5/23/86.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1103	Prosser, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1103, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-062	Submission of master programs and amendments by local government. [Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-062, filed 5/23/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-062, filed 1/30/80.] Repealed by 96-20-075	173-19-1104	Richland, city of. [Statutory Authority: RCW 90.58.-200. 90-02-105 (Order 89-57), § 173-19-1104, filed

	1/3/90, effective 2/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-02-073 (Order DE 83-37), § 173-19-1104, filed 1/4/84; 83-14-003 (Order DE 83-17), § 173-19-1104, filed 6/23/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1104, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-19-1105	West Richland, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1105, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-19-120	Chelan County. [Statutory Authority: RCW 90.58.200. 94-10-081 (Order 94-04), § 173-19-120, filed 5/4/94, effective 6/4/94. Statutory Authority: RCW 90.58.120 and 90.58.200. 83-21-094 (Order DE 83-27), § 173-19-120, filed 10/19/83; 81-20-042 (Order DE 81-27), § 173-19-120, filed 10/1/81; 81-15-062 (Order DE 81-23), § 173-19-120, filed 7/20/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-120, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-120, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-120, filed 8/2/79; Order DE 75-21, § 173-19-120, filed 8/12/75; Order DE 74-23, § 173-19-120, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-140
173-19-1201	Cashmere, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1201, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1401
173-19-1202	Chelan, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1202, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-1402
173-19-1203	Entiat, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1203, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1403
173-19-1204	Leavenworth, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1204, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1404
173-19-1205	Wenatchee, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1205, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1405
173-19-130	Clallam County. [Statutory Authority: RCW 90.58.200. 92-13-081 (Order 92-13), § 173-19-130, filed 6/16/92, effective 7/17/92; 89-22-139 (Order 89-17), § 173-19-130, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-009 (Order DE 87-51), § 173-19-130, filed 3/3/88; 86-12-069 (Order DE 86-07), § 173-19-130, filed 6/4/86; 86-04-040 (Order DE 85-13), § 173-19-130, filed 1/31/86; 84-08-030 (Order DE 83-41), § 173-19-130, filed 3/29/84; 83-02-066 (Order DE 82-48), § 173-19-130, filed 1/5/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-130, filed 1/30/80; 79-11-053 (Order DE 79-28), § 173-19-130, filed 10/16/79; 79-09-131 (Order DE 79-16), § 173-19-130, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-130, filed 8/2/79; Order DE 77-16, § 173-19-130, filed 9/9/77; Order DE 74-23, § 173-19-130, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-150
173-19-1301	Port Angeles, city of. [Statutory Authority: Chapter 90.58 RCW. 95-12-057 (Order 94-28), § 173-19-1301, filed 6/2/95, effective 7/3/95. Statutory Authority:	173-19-1501
	RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1301, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-1502
	Clark County. [Statutory Authority: RCW 90.58.200. 93-01-108 (Order 92-45), § 173-19-140, filed 12/18/92, effective 1/18/93. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-140, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-140, filed 8/2/79; Order DE 76-15, § 173-19-140, filed 5/3/76; Order DE 74-23, § 173-19-140, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-160
	Camas, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1401, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
	LaCenter, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1402, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
	Ridgefield, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1403, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
	Vancouver, city of. [Statutory Authority: RCW 90.58.200. 93-01-109 (Order 92-46), § 173-19-1404, filed 12/18/92, effective 1/18/93. Statutory Authority: RCW 90.58.120 and 90.58.200. 86-16-003 (Order DE 86-19), § 173-19-1404, filed 7/24/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1404, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
	Washougal, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1405, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
	Columbia County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-150, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-150, filed 8/2/79; Order DE 76-15, § 173-19-150, filed 5/3/76; Order DE 74-23, § 173-19-150, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
	Dayton, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1501, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
	Starbuck, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1502, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
	Cowlitz County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-11-105 (Order DE 82-10), § 173-19-160, filed 5/19/82; 82-05-017 (Order DE 81-53), § 173-19-160, filed 2/9/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-160, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-160, filed 8/2/79; Order DE 77-16, § 173-19-160, filed 9/9/77; Order DE 74-23, § 173-19-160, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
	Castle Rock, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1601, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96,	

	effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		79-34), § 173-19-1901, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1602	Kalama, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1602, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-200	Garfield County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 79-09-001 (Order DE 79-6), § 173-19-200, filed 8/2/79; Order DE 74-23, § 173-19-200, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1603	Kelso, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 80-04-026 (Order DE 80-10), § 173-19-1603, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1603, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-210	Grant County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-22-088 (Order 88-31), § 173-19-210, filed 11/2/88; 81-13-055 (Order DE 81-14), § 173-19-210, filed 6/17/81; Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-210, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-210, filed 8/2/79; Order DE 76-15, § 173-19-210, filed 5/3/76; Order DE 74-23, § 173-19-210, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1604	Longview, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1604, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2101	Krupp, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2101, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1605	Woodland, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 80-04-026 (Order DE 80-10), § 173-19-1605, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1605, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2102	Moses Lake, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-046 (Order DE 82-29), § 173-19-2102, filed 8/16/82; 81-16-079 (Order DE 81-20), § 173-19-2102, filed 8/5/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2102, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-170	Douglas County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-170, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-170, filed 8/2/79; Order DE 75-21, § 173-19-170, filed 8/12/75; Order DE 74-23, § 173-19-170, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2103	Soap Lake, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2103, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1701	Bridgeport, town of. [Statutory Authority: RCW 90.58.200. 92-03-132 (Order 91-50), § 173-19-1701, filed 1/21/92, effective 2/21/92. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1701, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2104	Wilson Creek, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2104, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1702	East Wenatchee, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1702, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-220	Grays Harbor County. [Statutory Authority: RCW 90.58.200. 91-18-081 (Order 91-31), § 173-19-220, filed 9/4/91, effective 10/5/91; 90-13-079 (Order 89-64), § 173-19-220, filed 6/19/90, effective 7/20/90; 90-11-072 (Order 90-04), § 173-19-220, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-220, filed 9/8/88; 88-08-089 (Order DE 88-02), § 173-19-220, filed 4/6/88; 87-18-023 (Order DE 87-25), § 173-19-220, filed 8/26/87; 86-12-071 (Order DE 86-11), § 173-19-220, filed 6/4/86; 80-07-007 (Order DE 80-26), § 173-19-220, filed 6/6/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-220, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-220, filed 8/2/79; Order DE 77-16, § 173-19-220, filed 9/9/77; Order DE 75-21, § 173-19-220, filed 8/12/75; Order DE 74-23, § 173-19-220, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1703	Rock Island, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1703, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2201	Aberdeen, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2201, filed 9/8/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2201, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-180	Ferry County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-180, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-180, filed 8/2/79; Order DE 76-15, § 173-19-180, filed 5/3/76; Order DE 74-23, § 173-19-180, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2202	Cosmopolis, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2202, filed 9/8/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2202, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-1801	Republic, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1801, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-190	Franklin County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 83-17-032 (Order DE 83-18), § 173-19-190, filed 8/11/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-190, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-190, filed 8/2/79; Order DE 76-15, § 173-19-190, filed 5/3/76; Order DE 74-23, § 173-19-190, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-1901	Pasco, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE		

173-19-2203	Elma, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 83-02-003 (Order DE 82-40), § 173-19-2203, filed 12/23/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2203, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		90.58.120 and 90.58.200. 89-08-012 and 90-07-027 (Order DE 88-56 and DE 88-56A), § 173-19-240, filed 3/24/89 and 3/14/90, effective 4/14/90. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-240, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 83-14-086 (Order DE 83-20), § 173-19-240, filed 7/6/83; 82-17-047 (Order DE 82-30), § 173-19-240, filed 8/16/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-240, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-240, filed 8/2/79; Order DE 75-21, § 173-19-240, filed 8/12/75; Order DE 74-23, § 173-19-240, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2204	Hoquiam, city of. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2204, filed 9/8/88; 85-10-030 (Order 85-06), § 173-19-2204, filed 4/24/85; 80-10-017 (Order DE 80-30), § 173-19-2204, filed 7/31/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2204, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-2401	Port Townsend, city of. [Statutory Authority: RCW 90.58.200. 94-07-013 (Order 93-38), § 173-19-2401, filed 3/7/94, effective 4/7/94; 93-17-062 (Order 93-13), § 173-19-2401, filed 8/17/93, effective 9/17/93; 93-07-116 (Order 92-60), § 173-19-2401, filed 3/24/93, effective 4/24/93. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-08-035 and 90-07-027 (Order DE 88-56 and DE 88-56A), § 173-19-2401, filed 3/31/89 and 3/14/90, effective 4/14/90. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2401, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2205	Montesano, city of. [Statutory Authority: RCW 90.58.-200. 93-17-063 (Order 93-12), § 173-19-2205, filed 8/17/93, effective 9/17/93. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2205, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-2206	Oakville, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2206, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.		
173-19-2207	Ocean Shores, city of. [Statutory Authority: RCW 90.58.200. 91-12-053 (Order 91-05), § 173-19-2207, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2207, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-250	King County. [Statutory Authority: Chapter 90.58 RCW. 95-20-046 (Order 95-01), § 173-19-250, filed 9/29/95, effective 10/30/95. Statutory Authority: RCW 90.58.200. 91-03-149 (Order 90-52), § 173-19-250, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 90.58.120 and 90.58.200. 85-13-054 (Order 85-17), § 173-19-250, filed 6/18/85; 84-07-025 (Order DE 84-6), § 173-19-250, filed 3/15/84; 82-05-018 (Order DE 81-54), § 173-19-250, filed 2/9/82; 81-20-006 (Order DE 81-24), § 173-19-250, filed 9/24/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-250, filed 1/30/80; 79-09-131 (Order DE 79-16), § 173-19-250, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-250, filed 8/2/79; Order DE 77-28, § 173-19-250, filed 10/24/77; Order DE 77-16, § 173-19-250, filed 9/9/77; Order DE 76-15, § 173-19-250, filed 5/3/76; Order DE 75-21, § 173-19-250, filed 8/12/75; Order DE 74-23, § 173-19-250, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2208	Westport, city of. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2208, filed 9/8/88; 83-21-019 (Order DE 83-24), § 173-19-2208, filed 10/7/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2208, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-230	Island County. [Statutory Authority: RCW 90.58.200. 92-09-135 (Order 92-10), § 173-19-230, filed 4/21/92, effective 5/22/92; 91-03-145 (Order 90-43), § 173-19-230, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 90.58.120 and 90.58.200. 85-12-051 (Order 85-12), § 173-19-230, filed 6/5/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-230, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-230, filed 8/2/79; Order DE 77-16, § 173-19-230, filed 9/9/77; Order DE 74-23, § 173-19-230, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2501	Auburn, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 85-13-054 (Order 85-17), § 173-19-2501, filed 6/18/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2501, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2301	Coupeville, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2301, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-2502	Beaux Arts Village, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2502, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2302	Langley, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2302, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2503	Bellevue, city of. [Statutory Authority: RCW 90.58.200. 92-13-080 (Order 92-14), § 173-19-2503, filed 6/16/92, effective 7/17/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-20-016 (Order DE 89-21), § 173-19-2503, filed 9/27/89, effective 10/28/89; 83-07-080 (Order DE 83-3), § 173-19-2503, filed 3/23/83; 81-11-027 (Order DE 81-10), § 173-19-2503, filed 5/15/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2503, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2303	Oak Harbor, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2303, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-240	Jefferson County. [Statutory Authority: RCW 90.58.-200. 93-17-062 (Order 93-13), § 173-19-240, filed 8/17/93, effective 9/17/93. Statutory Authority: RCW	173-19-2504	Black Diamond, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2504, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96,

	effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2515	Mercer Island, city of. [Statutory Authority: RCW 90.58.200. 92-11-044 (Order 92-01), § 173-19-2515, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-03-011 (Order DE 88-49), § 173-19-2515, filed 1/6/89; 87-19-085 (Order DE 87-23), § 173-19-2515, filed 9/16/87; 85-13-054 (Order 85-17), § 173-19-2515, filed 6/18/85; 81-11-028 (Order DE 81-11), § 173-19-2515, filed 5/15/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2515, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2505	Bothell, city of. [Statutory Authority: RCW 90.58.200. 90-06-067 (Order 89-59), § 173-19-2505, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-24-075 (Order 84-40), § 173-19-2505, filed 12/5/84; 83-07-019 (Order DE 83-9), § 173-19-2505, filed 3/11/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2505, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2516	Normandy Park, city of. [Statutory Authority: RCW 90.58.200. 92-01-096 (Order 91-42), § 173-19-2516, filed 12/17/91, effective 1/17/92. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2516, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2506	Carnation, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2506, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2517	North Bend, city of. [Statutory Authority: RCW 90.58.200. 90-14-090 (Order 90-15), § 173-19-2517, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-24-068 (Order DE 87-43), § 173-19-2517, filed 12/18/87. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2517, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2507	Des Moines, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-008 (Order 87-49), § 173-19-2507, filed 3/3/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2507, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2518	Pacific, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2518, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2508	Duvall, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2508, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2519	Redmond, city of. [Statutory Authority: Chapter 90.58 RCW. 95-17-039 (Order 95-07), § 173-19-2519, filed 8/10/95, effective 9/10/95. Statutory Authority: RCW 90.58.200. 90-02-101 (Order 89-58), § 173-19-2519, filed 1/3/90, effective 2/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 86-21-110 (Order DE 86-27), § 173-19-2519, filed 10/20/86; 82-01-048 (Order DE 81-42), § 173-19-2519, filed 12/16/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2519, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2509	Hunts Point, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2509, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2520	Renton, city of. [Statutory Authority: Chapter 90.58 RCW. 94-23-013 (Order 94-27), § 173-19-2520, filed 11/4/94, effective 12/5/94. Statutory Authority: RCW 90.58.200. 90-17-127 (Order 90-08), § 173-19-2520, filed 8/22/90, effective 9/22/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-039 (Order DE 84-28), § 173-19-2520, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2520, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-2510	Issaquah, city of. [Statutory Authority: RCW 90.58.200. 90-20-108 (Order 90-28), § 173-19-2510, filed 10/2/90, effective 11/2/90. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2510, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-2521	Seattle, city of. [Statutory Authority: Chapter 90.58 RCW. 95-16-024 (Order 95-08), § 173-19-2521, filed 7/21/95, effective 8/21/95; 94-22-017 (Order 94-24), § 173-19-2521, filed 10/21/94, effective 11/21/94. Statutory Authority: RCW 90.58.200. 93-12-011, § 173-19-2521, filed 5/20/93, effective 6/20/93; 93-04-106 (Order 92-48), § 173-19-2521, filed 2/3/93, effective 3/6/93; 92-19-090 (Order 92-15), § 173-19-2521, filed 9/16/92, effective 10/17/92; 90-20-111 (Order 90-35), § 173-19-2521, filed 10/2/90, effective 11/2/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-24-067 (Order DE 87-24), § 173-19-2521, filed 12/1/87; 87-05-015 (Order DE 86-41), § 173-19-2521, filed 2/11/87; 86-21-109 (Order DE 86-28), § 173-19-2521, filed 10/20/86; 85-20-094 (Order DE 85-21), § 173-19-2521, filed 10/1/85; 83-21-094 (Order DE 83-27), § 173-19-2521, filed 10/19/83; 83-15-014 (Order DE 83-19), § 173-19-2521, filed 7/12/83; 83-13-029 (Order DE 83-4), § 173-19-2521, filed 6/7/83; 83-07-081 (Order DE 83-4), § 173-19-2521, filed 3/23/83; 82-02-079 (Order DE 81-44), § 173-19-2521, filed 1/6/82; 81-20-043 (Order DE 81-28), § 173-19-2521, filed 10/1/81; 81-11-029 (Order
173-19-2511	Kent, city of. [Statutory Authority: RCW 90.58.200. 92-13-082 (Order 92-16), § 173-19-2511, filed 6/16/92, effective 7/17/92. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-2511, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 81-01-039 (Order DE 80-48), § 173-19-2511, filed 12/11/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2511, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-2512	Kirkland, city of. [Statutory Authority: RCW 90.58.200. 90-02-106 (Order 89-54), § 173-19-2512, filed 1/3/90, effective 2/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-03-009 (Order DE 88-35), § 173-19-2512, filed 1/6/89; 86-12-070 (Order DE 86-09), § 173-19-2512, filed 6/4/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2512, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-2513	Lake Forest Park, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2513, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-2514	Medina, city of. [Statutory Authority: RCW 90.58.200. 91-01-131 (Order 90-45), § 173-19-2514, filed 12/19/90, effective 1/19/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2514, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		

- DE 81-12), § 173-19-2521, filed 5/15/81; 81-06-051 (Order DE 81-2), § 173-19-2521, filed 2/27/81; 80-13-031 (Order DE 80-34), § 173-19-2521, filed 9/10/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2521, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2522 Skykomish, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2522, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2523 Snoqualmie, city of. [Statutory Authority: RCW 90.58.200. 92-17-073 (Order 92-22), § 173-19-2523, filed 8/19/92, effective 9/19/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-01-060 (Order 86-35), § 173-19-2523, filed 12/16/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2523, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2524 Tukwila, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-11-106 (Order DE 82-11), § 173-19-2524, filed 5/19/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2524, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2525 Yarrow Point, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2525, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-260 Kitsap County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 85-10-014 (Order 85-03.5), § 173-19-260, filed 4/19/85; 84-08-042 (Order DE 84-5), § 173-19-260, filed 4/2/84; 83-08-002 (Order DE 83-11), § 173-19-260, filed 3/24/83; 82-01-087 (Order DE 81-35), § 173-19-260, filed 12/22/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-260, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-260, filed 8/2/79; Order DE 77-16, § 173-19-260, filed 9/9/77; Order DE 76-15, § 173-19-260, filed 5/3/76; Order DE 74-23, § 173-19-260, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2601 Bremerton, city of. [Statutory Authority: RCW 90.58.200. 92-04-081 (Order 91-51), § 173-19-2601, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 88-22-089 (Order 88-32), § 173-19-2601, filed 11/2/88; 82-07-003 (Order DE 82-2), § 173-19-2601, filed 3/4/82; 82-03-042 (Order DE 81-45), § 173-19-2601, filed 1/19/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2601, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2602 Port Orchard, city of. [Statutory Authority: RCW 90.58.200. 94-10-082 (Order 94-08), § 173-19-2602, filed 5/4/94, effective 6/4/94; 92-13-084 (Order 92-02), § 173-19-2602, filed 6/16/92, effective 7/17/92. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2602, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2603 Poulsbo, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2603, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2604 Winslow, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-015 (Order DE 81-16), § 173-19-2604, filed 6/11/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2604, filed 1/30/80.]
- Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-270 Kittitas County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-270, filed 1/30/80; 79-11-053 (Order DE 79-28), § 173-19-270, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-270, filed 8/2/79; Order DE 77-16, § 173-19-270, filed 9/9/77; Order DE 76-15, § 173-19-270, filed 5/3/76; Order DE 74-23, § 173-19-270, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2701 Cle Elum, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2701, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2702 Ellensburg, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2702, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2703 South Cle Elum, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2703, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-280 Klickitat County. [Statutory Authority: RCW 90.58.200. 91-22-021 (Order 91-39), § 173-19-280, filed 10/29/91, effective 11/29/91; 90-14-091 (Order 90-14), § 173-19-280, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-06-043 (Order DE 83-40), § 173-19-280, filed 3/2/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-280, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-280, filed 8/2/79; Order DE 76-15, § 173-19-280, filed 5/3/76; Order DE 74-23, § 173-19-280, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2801 Bingen, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2801, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2802 Goldendale, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2802, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2803 White Salmon, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2803, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-290 Lewis County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 80-15-023 (Order DE 80-40), § 173-19-290, filed 10/7/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-290, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-290, filed 8/2/79; Order DE 77-16, § 173-19-290, filed 9/9/77; Order DE 74-23, § 173-19-290, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-2901 Centralia, city of. [Statutory Authority: RCW 90.58.-030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-2901, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-048 (Order DE 82-31), § 173-19-2901, filed 8/16/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2901, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.

173-19-2902	Chehalis, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-02-078 (Order DE 81-46), § 173-19-2902, filed 1/6/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2902, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-19-2903	Morton, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2903, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	
173-19-2904	Pe Ell, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2904, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3201
173-19-2905	Toledo, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2905, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3202
173-19-2906	Vader, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2906, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3203
173-19-2907	Winlock, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2907, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3204
173-19-300	Lincoln County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-300, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-300, filed 8/2/79; Order DE 77-16, § 173-19-300, filed 9/9/77; Order DE 74-23, § 173-19-300, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3205
173-19-3001	Odessa, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3001, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3206
173-19-3002	Sprague, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3002, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3207
173-19-310	Mason County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-010 (Order 88-01), § 173-19-310, filed 3/3/88; 84-22-055 (Order 84-29), § 173-19-310, filed 11/7/84; 82-14-017 (Order DE 82-18), § 173-19-310, filed 6/28/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-05-053 (Order DE 80-12), § 173-19-310, filed 4/16/80; 80-02-123 (Order DE 79-34), § 173-19-310, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-310, filed 8/2/79; Order DE 76-15, § 173-19-310, filed 5/3/76; Order DE 75-21, § 173-19-310, filed 8/12/75; Order DE 74-23, § 173-19-310, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3208
173-19-3101	Shelton, city of. [Statutory Authority: Chapter 90.58 RCW. 95-10-051 (Order 94-29), § 173-19-3101, filed 5/2/95, effective 6/2/95. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3101, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3209
173-19-320	Okanogan County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-051 (Order DE 87-33), § 173-19-320, filed 10/2/87. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-320, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-320, filed 8/2/79; Order DE 76-15, § 173-19-320, filed 5/3/76; Order DE 75-21, § 173-19-320, filed 8/12/75; Order DE 74-23, § 173-19-320, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3210
		173-19-3201
		173-19-3202
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		173-19-3205
		173-19-3206
		173-19-3207
		173-19-3208
		173-19-3209
		173-19-3210

	RCW 85-04-039 (Order 84-46), § 173-19-3210, filed 2/1/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 81-24-074 (Order DE 81-36), § 173-19-3210, filed 12/2/81; 80-02-123 (Order DE 79-34), § 173-19-3210, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3405	Newport, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3405, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-330	Pacific County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 86-18-052 (Order DE 86-15), § 173-19-330, filed 9/2/86; 84-20-041 (Order 84-32), § 173-19-330, filed 9/27/84; 82-07-045 (Order DE 81-55), § 173-19-330, filed 3/18/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-330, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-330, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-330, filed 8/2/79; Order DE 75-21, § 173-19-330, filed 8/12/75; Order DE 74-23, § 173-19-330, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-350	Pierce County. [Statutory Authority: RCW 90.58.200. 93-02-048 (Order 92-49), § 173-19-350, filed 1/5/93, effective 2/5/93; 91-12-052 (Order 91-04), § 173-19-350, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-350, filed 1/30/80; 79-11-019 (Order DE 79-19), § 173-19-350, filed 10/9/79; 79-09-131 (Order DE 79-16), § 173-19-350, filed 9/5/79; 79-09-129 (Order DE 79-27), § 173-19-350, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-350, filed 8/2/79; Order DE 77-16, § 173-19-350, filed 9/9/77; Order DE 76-15, § 173-19-350, filed 5/3/76; Order DE 75-21, § 173-19-350, filed 8/12/75; Order DE 74-23, § 173-19-350, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3301	Ilwaco, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3301, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3501	Bonney Lake, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-10-059 (Order DE 88-07), § 173-19-3501, filed 5/4/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3501, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-3302	Long Beach, town of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-02-064 (DE 87-47), § 173-19-3302, filed 1/6/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3302, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-3502	Buckley, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3502, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3303	Raymond, city of. [Statutory Authority: RCW 90.58.200. 94-13-046 (Order 94-09), § 173-19-3303, filed 6/7/94, effective 7/8/94. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3303, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3503	Dupont, city of. [Statutory Authority: RCW 90.58.200. 93-08-026 (Order 92-50), § 173-19-3503, filed 3/30/93, effective 4/30/93; 89-22-138 (Order 89-41), § 173-19-3503, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3503, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3304	South Bend, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3304, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-3504	Eatonville, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3504, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-340	Pend Oreille County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-340, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-340, filed 8/2/79; Order DE 75-21, § 173-19-340, filed 8/12/75; Order DE 74-23, § 173-19-340, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3505	Fife, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3505, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3401	Cusick, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3401, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3506	Gig Harbor, city of. [Statutory Authority: RCW 90.58.200. 94-14-029 (Order 94-14), § 173-19-3506, filed 6/28/94, effective 7/29/94. Statutory Authority: RCW 90.58.120 and 90.58.200. 81-01-038 (Order DE 80-50), § 173-19-3506, filed 12/11/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3506, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3402	Ione, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3402, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3507	Orting, city of. [Statutory Authority: RCW 90.58.200. 95-08-042 (Order 94-26), § 173-19-3507, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3507, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3403	Metaline, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3403, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3508	Puyallup, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 87-08-001 (Order DE 86-42), § 173-19-3508, filed 3/20/87; 83-12-017 (Order DE 83-15), § 173-19-3508, filed 5/24/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3508, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96,
173-19-3404	Metaline Falls, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3404, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		

	effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-3509	Roy, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3509, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.		79-09-001 (Order DE 79-6), § 173-19-360, filed 8/2/79; Order DE 77-16, § 173-19-360, filed 9/9/77; Order DE 74-23, § 173-19-360, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-3510	Ruston, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3510, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3601	Friday Harbor, town of. [Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-09), § 173-19-3601, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3601, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3511	South Prairie, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3511, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-370	Skagit County. [Statutory Authority: Chapter 90.58 RCW. 95-12-026 (Order 94-42), § 173-19-370, filed 5/31/95, effective 7/1/95. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-22-100 (Order DE 87-39), § 173-19-370, filed 11/4/87; 84-08-003 (Order DE 84-10), § 173-19-370, filed 3/22/84; 83-07-082 (Order DE 83-5), § 173-19-370, filed 3/23/83; 82-18-027 (Order DE 82-33), § 173-19-370, filed 8/25/82; 81-24-075 (Order DE 81-38), § 173-19-370, filed 12/2/81; 81-20-004 (Order DE 81-25), § 173-19-370, filed 9/24/81; 81-01-040 (Order DE 80-51), § 173-19-370, filed 12/11/80; 80-13-030 (Order DE 80-35), § 173-19-370, filed 9/10/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-05-053 (Order DE 80-12), § 173-19-370, filed 4/16/80; 80-02-123 (Order DE 79-34), § 173-19-370, filed 1/30/80; 79-09-131 (Order DE 79-16), § 173-19-370, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-370, filed 8/2/79; Order DE 77-16, § 173-19-370, filed 9/9/77; Order DE 74-23, § 173-19-370, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3512	Steilacoom, town of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-007 (Order 87-48), § 173-19-3512, filed 3/3/88. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3512, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-3513	Sumner, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3513, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-3514	Tacoma, city of. [Statutory Authority: RCW 90.58.200. 95-11-008 (Order 94-25), § 173-19-3514, filed 5/5/95, effective 6/5/95; 93-01-110 (Order 92-44), § 173-19-3514, filed 12/18/92, effective 1/18/93; 90-11-072 (Order 90-05), § 173-19-3514, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-19-111 (Order DE 87-34), § 173-19-3514, filed 9/18/87; 86-16-004 (Order DE 86-18), § 173-19-3514, filed 7/24/86; 85-10-013 (Order 85-03), § 173-19-3514, filed 4/19/85; 84-11-015 (Order DE 84-16), § 173-19-3514, filed 5/9/84; 84-06-043 (Order DE 83-40), § 173-19-3514, filed 3/2/84; 83-12-018 (Order DE 83-16), § 173-19-3514, filed 5/24/83; 82-10-002 (Order DE 82-06), § 173-19-3514, filed 4/23/82; 81-24-072 (Order DE 81-37), § 173-19-3514, filed 12/2/81; 81-08-005 (Order DE 81-4), § 173-19-3514, filed 3/19/81; 80-04-026 (Order DE 80-10), § 173-19-3514, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3514, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3701	Anacortes, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 86-07-049 (Order 85-29), § 173-19-3701, filed 3/18/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-3701, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 83-23-062 (Order DE 83-28), § 173-19-3701, filed 11/16/83; 83-02-004 (Order DE 82-43), § 173-19-3701, filed 12/23/82; 81-15-006 (Order DE 81-15), § 173-19-3701, filed 7/2/81; 80-18-024 (Order DE 80-41), § 173-19-3701, filed 11/26/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3701, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
		173-19-3702	Concrete, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3702, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3515	Wilkeson, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3515, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3703	Hamilton, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3703, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-360	San Juan County. [Statutory Authority: Chapter 90.58 RCW. 95-18-102, § 173-19-360, filed 9/6/95 effective 10/7/95; 95-07-125 (Order 94-41), § 173-19-360, filed 3/22/95, effective 4/22/95. Statutory Authority: RCW 90.58.200. 94-14-030 (Order 94-16), § 173-19-360, filed 6/28/94, effective 7/29/94; 93-01-138 (Order 92-40), § 173-19-360, filed 12/22/92, effective 1/22/93; 92-17-074 (Order 92-31), § 173-19-360, filed 8/19/92, effective 9/19/92; 91-12-054 (Order 91-18), § 173-19-360, filed 6/5/91, effective 7/6/91; 91-04-072 (Order 90-59), § 173-19-360, filed 2/5/91, effective 3/8/91; 90-11-072 and 90-13-089 (Order 90-03 and 90-03A), § 173-19-360, filed 5/16/90 and 6/20/90, effective 6/16/90 and 7/21/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-09-077 and 90-07-026 (Order DE 88-22 and DE 88-22A), § 173-19-360, filed 4/19/89 and 3/14/90, effective 4/14/90; 84-22-016 (Order DE 84-36), § 173-19-360, filed 10/31/84; 81-09-057 (Order DE 81-8), § 173-19-360, filed 4/17/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-360, filed 1/30/80;	173-19-3704	La Conner, town of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-14-089 (Order DE 82-24), § 173-19-3704, filed 7/7/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3704, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
		173-19-3705	Lyman, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3705, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
		173-19-3706	Mount Vernon, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3706, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.

173-19-3707	Burlington, city of. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 81-16-077 (Order DE 81-22), § 173-19-3707, filed 8/5/81.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-380	Skamania County. [Statutory Authority: RCW 90.58.-120 and 90.58.200. 86-12-072 (Order DE 86-13), § 173-19-380, filed 6/4/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-380, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-380, filed 8/2/79; Order DE 74-23, § 173-19-380, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3905	Gold Bar, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3905, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3801	North Bonneville, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3801, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-3906	Granite Falls, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3906, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-3802	Stevenson, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3802, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.	173-19-3907	Index, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3907, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-390	Snohomish County. [Statutory Authority: RCW 90.58.-200 and Shoreline Management Act of 1971. 94-03-095 (Order 93-28), § 173-19-390, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 90.58.120 and 90.58.200. 90-07-025 (Order DE 88-55A), § 173-19-390, filed 3/14/90, effective 4/14/90; 89-14-130 (Order 89-18), § 173-19-390, filed 7/5/89, effective 8/5/89; 89-07-026 (Order DE 88-55), § 173-19-390, filed 3/8/89; 87-05-015 (Order DE 86-41), § 173-19-390, filed 2/11/87; 86-19-049 (Order DE 86-23), § 173-19-390, filed 9/12/86; 84-02-074 (Order DE 83-43), § 173-19-390, filed 1/4/84; 83-18-005 (Order DE 83-23), § 173-19-390, filed 8/26/83; 82-14-018 (Order DE 82-19), § 173-19-390, filed 6/28/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-390, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-390, filed 8/2/79. Statutory Authority: RCW 90.58.020. 78-08-076 (Order DE 78-9), § 173-19-390, filed 7/26/78; Order DE 77-16, § 173-19-390, filed 9/9/77; Order DE 76-15, § 173-19-390, filed 5/3/76; Order DE 75-21, § 173-19-390, filed 8/12/75; Order DE 74-23, § 173-19-390, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3908	Lake Stevens, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 84-02-075 (Order DE 83-44), § 173-19-3908, filed 1/4/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3908, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-3901	Arlington, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3901, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3909	Marysville, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3909, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
173-19-3902	Brier, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3902, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.	173-19-3910	Monroe, city of. [Statutory Authority: RCW 90.58.200. 90-23-048 (Order 90-34), § 173-19-3910, filed 11/16/90, effective 12/17/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-14-131 and 90-07-028 (Order 89-23 and 89-23A), § 173-19-3910, filed 7/5/89 and 3/14/90, effective 4/14/90; 82-06-013 (Order DE 81-56), § 173-19-3910, filed 2/22/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3910, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3903	Edmonds, city of. [Statutory Authority: RCW 90.58.-200. 93-13-020 (Order 93-01), § 173-19-3903, filed 6/9/93, effective 7/10/93. Statutory Authority: RCW 90.58.120 and 90.58.200. 86-12-070 (Order DE 86-09), § 173-19-3903, filed 6/4/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-3903, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-10-050 (Order DE 84-14), § 173-19-3903, filed 5/2/84; 80-06-050 (Order DE 80-13), § 173-19-3903, filed 5/14/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3903, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-3911	Mountlake Terrace, city of. [Statutory Authority: RCW 90.58.200. 93-16-013 (Order 93-07), § 173-19-3911, filed 7/22/93, effective 8/22/93. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3911, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-3904	Everett, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3904, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96.	173-19-3912	Mukilteo, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3912, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
		173-19-3913	Snohomish, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 80-06-050 (Order DE 80-13), § 173-19-3913, filed 5/14/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3913, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
		173-19-3914	Stanwood, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3914, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
		173-19-3915	Sultan, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3915, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
		173-19-3916	Woodway, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3916, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective

	10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-400	Spokane County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 87-22-101 (Order DE 87-40), § 173-19-400, filed 11/4/87; 84-07-025 (Order DE 84-6), § 173-19-400, filed 3/15/84; 83-02-005 (Order DE 82-44), § 173-19-400, filed 12/23/82; 81-06-052 (Order DE 81-3), § 173-19-400, filed 2/27/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-400, filed 1/30/80; 79-11-053 (Order DE 79-28), § 173-19-400, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-400, filed 8/2/79; Order DE 77-16, § 173-19-400, filed 9/9/77; Order DE 75-21, § 173-19-400, filed 8/12/75; Order DE 74-23, § 173-19-400, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-4001	Latah, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4001, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.		
173-19-4002	Medical Lake, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4002, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-4003	Millwood, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4003, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-4004	Rockford, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4004, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-4005	Spokane, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 83-07-083 (Order DE 83-6), § 173-19-4005, filed 3/23/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4005, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-4006	Waverly, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4006, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-410	Stevens County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-410, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-410, filed 8/2/79; Order DE 74-23, § 173-19-410, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-4101	Chewelah, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4101, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-4102	Northport, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4102, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-420	Thurston County. [Statutory Authority: Chapter 90.58 RCW. 95-16-048 (Order 94-39), § 173-19-420, filed 7/25/95, effective 8/25/95. Statutory Authority: RCW 90.58.200. 91-22-022 (Order 91-40), § 173-19-420, filed 10/29/91, effective 11/29/91; 90-11-072 (Order 89-63), § 173-19-420, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-026 (Order DE 87-28), § 173-19-420, filed 9/30/87; 84-19-038 (Order DE 84-30), § 173-19-420,		
	filed 9/14/84; 82-07-004 (Order DE 82-3), § 173-19-420, filed 3/4/82; 81-20-005 (Order DE 81-26), § 173-19-420, filed 9/24/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-420, filed 1/30/80; 79-11-019 (Order DE 79-19), § 173-19-420, filed 10/9/79; 79-09-001 (Order DE 79-6), § 173-19-420, filed 8/2/79; Order DE 77-16, § 173-19-420, filed 9/9/77; Order DE 74-23, § 173-19-420, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.		
173-19-4201	Bucoda, town of. [Statutory Authority: RCW 90.58.-200. 90-11-072 (Order 90-07), § 173-19-4201, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4201, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4201, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.		
173-19-4202	Lacey, city of. [Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4202, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4202, filed 9/14/84; 82-02-080 (Order DE 81-47), § 173-19-4202, filed 1/6/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4202, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-4203	Olympia, city of. [Statutory Authority: RCW 90.58.-200. 94-13-047 (Order 94-10), § 173-19-4203, filed 6/7/94, effective 7/8/94; 93-12-107, § 173-19-4203, filed 6/2/93, effective 7/3/93; 90-11-072 (Order 90-07), § 173-19-4203, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-026 (Order DE 87-28), § 173-19-4203, filed 9/30/87; 84-19-038 (Order DE 84-30), § 173-19-4203, filed 9/14/84; 84-10-051 (Order 84-17), § 173-19-4203, filed 5/2/84; 84-08-028 (Order DE 84-9), § 173-19-4203, filed 3/29/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4203, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.		
173-19-4204	Tenino, town of. [Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4204, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4204, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4204, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-4205	Tumwater, city of. [Statutory Authority: Chapter 90.58 RCW. 95-16-048 (Order 94-39), § 173-19-4205, filed 7/25/95, effective 8/25/95. Statutory Authority: RCW 90.58.200. 94-10-080 (Order 94-01), § 173-19-4205, filed 5/4/94, effective 6/4/94; 93-22-063 and 93-22-099 (Orders 93-21 and 93-21A), § 173-19-4205, filed 10/29/93 and 11/3/93, effective 11/29/93 and 12/4/93; 92-09-134 (Order 92-03), § 173-19-4205, filed 4/21/92, effective 5/22/92; 91-09-055 (Order 91-10), § 173-19-4205, filed 4/16/91, effective 5/17/91; 90-20-110 (Order 90-33), § 173-19-4205, filed 10/2/90, effective 11/2/90; 90-11-072 (Order 90-07), § 173-19-4205, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-026 (Order DE 87-28), § 173-19-4205, filed 9/30/87; 84-19-038 (Order DE 84-30), § 173-19-4205, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4205, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.		
173-19-4206	Yelm, town of. [Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4206, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-		

	4206, filed 9/14/84; 82-02-081 (Order DE 81-48), § 173-19-4206, filed 1/6/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4206, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.	173-19-4502	Blaine, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 84-21-065 (Order DE-84-35), § 173-19-4502, filed 10/17/84; 84-16-006 (Order 84-20), § 173-19-4502, filed 7/19/84; 82-10-001 (Order DE 82-05), § 173-19-4502, filed 4/23/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-4502, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-4502, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-430	Wahkiakum County. [Statutory Authority: RCW 90.58.200. 92-16-095 (Order 92-17), § 173-19-430, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 90.58.120 and 90.58.200. 86-07-049 (Order 85-29), § 173-19-430, filed 3/18/86; 81-12-003 (Order DE 81-13), § 173-19-430, filed 5/21/81; 80-04-026 (Order DE 80-10), § 173-19-430, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-430, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-430, filed 8/2/79; Order DE 75-21, § 173-19-430, filed 8/12/75; Order DE 74-23, § 173-19-430, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4503	Everson, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4503, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-4301	Cathlamet, town of. [Statutory Authority: RCW 90.58-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4301, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4504	Ferndale, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-01-049 (Order DE 81-43), § 173-19-4504, filed 12/16/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4504, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-440	Walla Walla County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-440, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-440, filed 8/2/79; Order DE 77-16, § 173-19-440, filed 9/9/77; Order DE 75-21, § 173-19-440, filed 8/12/75; Order 74-23, § 173-19-440, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4505	Lynden, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-24-076 (Order DE 81-39), § 173-19-4505, filed 12/2/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4505, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-4401	Waitsburg, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4401, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58-140(3) and [90.58].200.	173-19-4506	Nooksack, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 85-20-095 (Order DE 85-21), § 173-19-4506, filed 10/1/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4506, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-4402	Walla Walla, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 85-16-105 (Order DE 85-11), § 173-19-4402, filed 8/6/85; 81-16-078 (Order DE 81-21), § 173-19-4402, filed 8/5/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4402, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4507	Sumas, city of. [Statutory Authority: RCW 90.58.200. 90-07-063 (Order 89-65), § 173-19-4507, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-03-010 (Order DE 88-48), § 173-19-4507, filed 1/6/89. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4507, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
173-19-450	Whatcom County. [Statutory Authority: RCW 90.58.200. 93-04-063 (Order 92-48), § 173-19-450, filed 1/28/93, effective 2/28/93; 90-20-107 (Order 90-26), § 173-19-450, filed 10/2/90, effective 11/2/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-13-018 (Order DE 87-07), § 173-19-450, filed 6/9/87; 85-04-040 (Order 84-46), § 173-19-450, filed 2/1/85; 84-06-043 (Order DE 83-40), § 173-19-450, filed 3/2/84; 83-02-006 (Order DE 82-45), § 173-19-450, filed 12/23/82; 82-07-005 (Order DE 82-4), § 173-19-450, filed 3/4/82; 82-02-077 (Order DE 81-49), § 173-19-450, filed 1/6/82; 82-01-088 (Order DE 81-31), § 173-19-450, filed 12/22/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-450, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-450, filed 8/2/79; Order DE 77-16, § 173-19-450, filed 9/9/77; Order DE 76-15, § 173-19-450, filed 5/3/76; Order DE 74-23, § 173-19-450, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-460	Whitman County. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-460, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-460, filed 8/2/79; Order DE 75-21, § 173-19-460, filed 8/12/75; Order DE 74-23, § 173-19-460, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
173-19-4501	Bellingham, city of. [Statutory Authority: RCW 90.58-200. 89-23-127 (Order 89-55), § 173-19-4501, filed 11/22/89, effective 12/23/89. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-08-029 (Order DE 84-11), § 173-19-4501, filed 3/29/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4501, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.	173-19-4601	Albion, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4601, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
		173-19-4602	Colfax, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4602, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
		173-19-4603	Malden, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4603, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
		173-19-4604	Palouse, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4604, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.

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- 173-19-4605 Pullman, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4605, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-4606 Rosalia, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4606, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-4607 Tekoa, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4607, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-470 Yakima County. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-20-044 (Order DE 81-29), § 173-19-470, filed 10/1/81; 81-06-050 (Order DE 81-1), § 173-19-470, filed 2/27/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-470, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-470, filed 8/2/79; Order DE 75-21, § 173-19-470 filed 8/12/75; Order DE 74-23, § 173-19-470, filed 12/30/74.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4701 Grandview, city of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4701, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4702 Granger, town of. [Statutory Authority: RCW 90.58.-030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4702, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
- 173-19-4703 Naches, town of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4703, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-4704 Selah, city of. [Statutory Authority: RCW 90.58.120 and 90.58.200. 84-08-003 (Order DE 84-10), § 173-19-4704, filed 3/22/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4704, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-4705 Union Gap, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4705, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.-140(3) and [90.58].200.
- 173-19-4706 Yakima, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4706, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.
- 173-19-4707 Zillah, city of. [Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4707, filed 1/30/80.] Repealed by 96-20-075 (Order 95-17), filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.140(3) and [90.58].-200.

Chapter 173-28**ESTABLISHING LAKE WASHINGTON AS A REGION PURSUANT TO SHORELINE MANAGEMENT ACT OF 1971**

- 173-28-010 Authority. [Order 73-8, § 173-28-010, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-020 Findings. [Order 73-8, § 173-28-020, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.

- 173-28-030 Conclusion. [Order 73-8, § 173-28-030, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-040 Composition of Lake Washington region. [Order 73-8, § 173-28-040, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-050 Geographical extent of region. [Order 73-8, § 173-28-050, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-060 Duties of the local governmental units comprising the region. [Order 73-8, § 173-28-060, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-070 Review of master programs by the department of ecology. [Order 73-8, § 173-28-070, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.
- 173-28-080 Fund availability. [Order 73-8, § 173-28-080, filed 6/19/73.] Repealed by 96-20-074, filed 9/30/96, effective 10/31/96. Statutory Authority: RCW 90.58.200.

Chapter 173-30**MINIMUM WATER FLOWS—CEDAR RIVER**

- 173-30-010 Background and authority. [Order 71-7, § 173-30-010, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-020 Applicability. [Order 71-7, § 173-30-020, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-030 Measurement. [Order 71-7, § 173-30-030, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-040 Declaration of minimum flows. [Order 71-7, § 173-30-040, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-050 Future rights. [Order 71-7, § 173-30-050, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-060 Enforcement. [Order 71-7, § 173-30-060, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.
- 173-30-070 Public information. [Order 71-7, § 173-30-070, filed 8/17/71.] Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79. Statutory Authority: Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC.

Chapter 173-32**ALLOCATION OF FINANCIAL AID TO COUNTIES AND CITIES TO ASSIST IN COMPREHENSIVE PLANNING FOR SOLID WASTE MANAGEMENT**

- 173-32-010 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-010, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-010, filed 4/30/71.] Repealed by 97-18-047 (Order 97-17), filed 8/28/97, effective 9/28/97.
- 173-32-020 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-020, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-020, filed 4/30/71.] Repealed by 97-18-047 (Order 97-17), filed 8/28/97, effective 9/28/97.
- 173-32-030 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-030, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-030, filed 4/30/71.] Repealed by 97-18-047 (Order 97-17), filed 8/28/97, effective 9/28/97.
- 173-32-040 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-040, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-040, filed 4/30/71.] Repealed by 97-18-047 (Order 97-17), filed 8/28/97, effective 9/28/97.

Chapter 173-34
EXEMPTIONS FROM THE DETAILED STATEMENT
REQUIREMENTS OF THE STATE ENVIRONMENTAL POLICY
ACT

- 173-34-010 Purpose. [Order 73-15, § 173-34-010, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-020 Definitions. [Order 73-15, § 173-34-020, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-030 Exemptions. [Order 73-15, § 173-34-030, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-040 Exemptions—Nonexempt actions. [Order 73-15, § 173-34-040, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-050 Exemptions—Limitation of exemptions. [Order 73-15, § 173-34-050, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Chapter 173-70
WATERCRAFT NOISE PERFORMANCE STANDARDS

- 173-70-010 Introduction. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-010, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-020 Definitions. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-020, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-030 Identification of receiving property environments. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-030, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-040 Standards. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-040, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-050 Exemptions. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-050, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-060 Nuisance regulations not prohibited. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-060, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-070 Future standards. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-070, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-080 Implementation schedules. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-080, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-090 Enforcement. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-090, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-100 Appeals. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-100, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-110 Cooperation with local government. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-110, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-120 Effective date. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-120, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001

(Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.

Chapter 173-90
STANDARDS AND LIMITATIONS ON THE USE OF CLEAN
WATER FUNDS FOR POLLUTION ABATEMENT

- 173-90-010 Purpose and scope. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-010, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-015 Definitions. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-015, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-020 Provision of guidelines. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-020, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-040 Ground water management area planning grants—Eligibility criteria, funding levels, development of priority rating and priority lists—Eligibility criteria. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-040, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-050 Nonpoint source pollution control activity grants—Eligible criteria, funding levels and administration, and establishing highest priority. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-050, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-060 Aquifer protection assistance grants—Eligibility criteria, funding levels, and establishing highest priority. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-060, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.
- 173-90-070 Water pollution control design grants—Eligibility criteria, funding levels, and establishing highest priority. [Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-070, filed 9/12/86.] Repealed by 97-17-082 (Order 97-16), filed 8/19/97, effective 9/19/97.

Chapter 173-95
USES AND LIMITATIONS OF CENTENNIAL CLEAN WATER
FUNDS

- 173-95-010 Purpose and scope. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-010, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-020 Definitions. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-020, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-030 Provision of guidelines. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-030, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-040 Limitations on the use of funds. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-040, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-050 Compliance with applicable laws, regulations and other requirements. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-050, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-060 Indemnification. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-060, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-070 Appropriation of funds by the legislature. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-070, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-080 General provisions. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-080, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-090 Funding processes. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-090, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.

- 173-95-100 Marine water facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-100, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-110 Ground water activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-110, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-120 Freshwater lakes and rivers activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-120, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-130 Nonpoint activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-130, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-140 Discretionary activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-140, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-150 Financial hardship eligibility and remedies. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-150, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-160 Applicability of centennial clean water regulation and funds. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-160, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.

Chapter 173-108

WITHDRAWAL OF THE WATERS OF THE LITTLE SPOKANE RIVER WATERSHED FROM ADDITIONAL APPROPRIATIONS

- 173-108-010 Authority. [Order 73-19, § 173-108-010, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76. Later promulgation, see chapters 173-500 and 173-555 WAC.
- 173-108-020 Purpose. [Order 73-19, § 173-108-020, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76. Later promulgation, see chapters 173-500 and 173-555 WAC.
- 173-108-030 Definitions. [Order 73-19, § 173-108-030, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76. Later promulgation, see chapters 173-500 and 173-555 WAC.
- 173-108-040 Declaration of withdrawal. [Order 73-19, § 173-108-040, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.
- 173-108-050 Existing rights not affected. [Order 73-19, § 173-108-050, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.
- 173-108-060 Existing rights not affected—Exemptions. [Order 73-19, § 173-108-060, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.

Chapter 173-128

ODESSA GROUND WATER MANAGEMENT SUBAREA

- 173-128-010 Background. [Order 72-25, § 173-128-010, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-020.
- 173-128-020 Purpose. [Order 72-25, § 173-128-020, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-030.
- 173-128-030 Authority. [Order 72-25, § 173-128-030, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-010.
- 173-128-040 Subarea definition. [Order 72-25, § 173-128-040, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-040.
- 173-128-050 Subarea map. [Order 72-25, § 173-128-050, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-050.

Chapter 173-130

ODESSA GROUND WATER SUBAREA MANAGEMENT POLICY

- 173-130-010 Background. [Order DE 73-32, § 173-130-010, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-020.
- 173-130-020 Authority. [Order DE 73-32, § 173-130-020, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-010.
- 173-130-030 Definitions. [Order DE 73-32, § 173-130-030, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-030.
- 173-130-040 Purpose. [Order DE 73-32, § 173-130-040, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-040.
- 173-130-050 Depth zone designation. [Order DE 73-32, § 173-130-050, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-060 Rate of decline in water level to be controlled. [Order DE 73-32, § 173-130-060, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-060.
- 173-130-070 Maximum lowering of the water table. [Order DE 73-32, § 173-130-070, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-070.
- 173-130-080 Regulation of withdrawal of ground water. [Order DE 75-33, § 173-130-080, filed 1/23/76; Order DE 73-32, § 173-130-080, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-080.
- 173-130-090 Notice of regulation. [Order DE 73-32, § 173-130-090, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-090.
- 173-130-100 No increase in ground water withdrawals during regulation. [Order DE 73-32, § 173-130-100, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-110 Supplemental wells regulated. [Order DE 73-32, § 173-130-110, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-120 Annual volume of water determined. [Order DE 73-32, § 173-130-120, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-130 New ground water withdrawals. [Order DE 73-32, § 173-130-130, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-140 New applications for withdrawal of ground waters. [Order DE 73-32, § 173-130-140, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-100.
- 173-130-150 Time sequence for processing new applications to appropriate ground water. [Order DE 75-33, § 173-130-150, filed 1/23/76; Order DE 73-32, § 173-130-150, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).

173-130-155	Reworking wells. [Order DE 75-33, § 173-130-155, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-180.	
173-130-160	Bore hole logs required. [Order DE 75-33, § 173-130-160, filed 1/23/76; Order DE 73-32, § 173-130-160, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-190.	173-134-060
173-130-170	Distance of wells from East Low Canal. [Order DE 73-32, § 173-130-170, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-110.	
173-130-180	Supplemental surface water. [Order DE 73-32, § 173-130-180, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).	173-134-070
173-130-190	Ground water supervisors. [Order DE 73-32, § 173-130-190, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).	173-134-080
173-130-195	Irrigation season. [Order DE 75-33, § 173-130-195, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-130.	173-134-085
173-130-200	Review of regulations. [Order DE 75-33, § 173-130-200, filed 1/23/76; Order DE 73-32, § 173-130-200, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-220.	173-134-090
<p style="text-align: center;">Chapter 173-134 THE ESTABLISHMENT OF REGULATIONS FOR THE ADMINISTRATION OF THE QUINCY GROUND WATER SUBAREA ESTABLISHED PURSUANT TO RCW 90.44.130</p>		
173-134-010	Administration of withdrawal of ground waters in the Quincy subarea. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-010, filed 7/26/79; Order 74-35, § 173-134-010, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-010.	173-134-100
173-134-020	Definitions. [Order 74-35, § 173-134-020, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-040.	173-134-110
173-134-030	Quincy ground water subarea—Background statement. [Order 74-35, § 173-134-030, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-020.	173-134-120
173-134-040	Quincy ground water subarea—Managed and regulated by department of ecology. [Order 74-35, § 173-134-040, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-050.	173-134-130
173-134-050	Quincy ground water subarea—Withdrawals of waters of deep management unit—Controlled by prior appropriation provisions. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-050, filed 7/26/79; Order 74-35, § 173-134-050, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-060.	173-134-140
173-134-055	Quincy ground water subarea—Public ground water permit amendments. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-	173-134-150
	080 (Order DE 79-4), § 173-134-055, filed 7/26/79.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-070.	
	Regulation of water of the shallow management unit—Permit requirements. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-060, filed 7/26/79; Order DE 75-4, § 173-134-060, filed 2/21/75; Order 74-35, § 173-134-060, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-080.	
	Responsibility for water management—Designation of critical management areas. [Order 74-35, § 173-134-070, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-090.	
	Establishment of a technical committee of scientific and engineering experts—Purpose. [Order 74-35, § 173-134-080, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-100.	
	Holder request for protection of interest—Department denial—Subject to review before the pollution control hearings board. [Order 74-35, § 173-134-085, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-110.	
	Permits not required—Conditions of exemptions. [Order 74-35, § 173-134-090, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-120.	
	Permits issued or extended—Conditions under which agreements may be entered into. [Order 74-35, § 173-134-100, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-130.	
	Notification requirements. [Order 74-35, § 173-134-110, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.	
	Existing laws and rights recognized—Specific jurisdiction. [Order 74-35, § 173-134-120, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.	
	Modification of rules when action appears justified. [Order 74-35, § 173-134-130, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.	
	Artificially stored ground water permit applications—Lands not covered by declarations. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-140, filed 7/26/79.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.	
	Area described at department Order No. DE 75-54—Public ground water permits. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-150, filed 7/26/79.] Repealed by 80-02-025 (Order DE 79-33),	

173-134-160 filed 1/9/80. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).
 Authorized and unused public ground water in deep management unit—Reservation. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-160, filed 7/26/79.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-160.

**Chapter 173-142
 DELEGATION OF PERMIT PROGRAM
 UNDER STATE FLOOD CONTROL ZONE ACT**

173-142-010 Authority. [Order DE 74-11, § 173-142-010, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
 173-142-020 Purpose. [Order DE 74-11, § 173-142-020, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
 173-142-030 Definitions. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-030, filed 11/23/82; Order DE 74-11, § 173-142-030, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
 173-142-040 Scope of delegation. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-040, filed 11/23/82; Order DE 74-11, § 173-142-040, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
 173-142-050 Conformity with department rules. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-050, filed 11/23/82; Order DE 74-11, § 173-142-050, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
 173-142-060 Subdelegation. [Order DE 74-11, § 173-142-060, filed 6/17/74.] Repealed by 82-24-026 (Order DE 82-38), filed 11/23/82. Statutory Authority: RCW 86.16.027.
 173-142-070 Requests for delegation. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-070, filed 11/23/82; Order DE 74-11, § 173-142-070, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
 173-142-080 Procedure for delegation. [Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-080, filed 11/23/82; Order DE 74-11, § 173-142-080, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
 173-142-090 Withdrawal of delegation. [Order DE 74-11, § 173-142-090, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
 173-142-100 Permits under delegated programs. [Order DE 74-11, § 173-142-100, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
 173-142-110 Appeals. [Order DE 74-11, § 173-142-110, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

**Chapter 173-164
 WATER RATE CHARGES**

173-164-010 Purpose. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-010, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
 173-164-020 Authority. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-020, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
 173-164-030 Definitions. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-030, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
 173-164-040 Rates of charge. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-040, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

173-164-050 Determination of rate. [Statutory Authority: Chapters 43.83B and 43.27A RCW. 88-13-037 (Order 88-11), § 173-164-050, filed 6/9/88. Statutory Authority: RCW 43.83B.345, 81-07-037 (Order DE 81-5), § 173-164-050, filed 3/13/81; 80-09-052 (Order DE 80-28), § 173-164-050, filed 7/14/80. Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-050, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
 173-164-060 Payment schedule. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-060, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
 173-164-070 Measurement of water. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-070, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
 173-164-080 Regulation review. [Statutory Authority: Chapters 43.83B and 43.27A RCW. 88-13-037 (Order 88-11), § 173-164-080, filed 6/9/88.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

**Chapter 173-201
 WATER QUALITY STANDARDS FOR SURFACE WATERS OF
 THE STATE OF WASHINGTON**

173-201-010 Introduction. [Statutory Authority: RCW 90.48.035 and 90.48.260, 88-02-058 (Order 87-6), § 173-201-010, filed 1/6/88. Statutory Authority: RCW 90.48.035, 82-12-078 (Order DE 82-12), § 173-201-010, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-010, filed 1/17/78; Order 73-4, § 173-201-010, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
 173-201-020 Water use and quality criteria. [Statutory Authority: RCW 90.48.035, 78-02-043 (Order DE 77-32), § 173-201-020, filed 1/17/78; Order 73-4, § 173-201-020, filed 7/6/73.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.
 173-201-025 Definitions. [Statutory Authority: RCW 90.48.035 and 90.48.260, 88-02-058 (Order 87-6), § 173-201-025, filed 1/6/88. Statutory Authority: RCW 90.48.035, 82-12-078 (Order DE 82-12), § 173-201-025, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-025, filed 1/17/78.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
 173-201-030 Water use and quality criteria—General water use and criteria classes. [Order 73-4, § 173-201-030, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
 173-201-035 General considerations. [Statutory Authority: RCW 90.48.035 and 90.48.260, 88-02-058 (Order 87-6), § 173-201-035, filed 1/6/88. Statutory Authority: RCW 90.48.035, 82-12-078 (Order DE 82-12), § 173-201-035, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-035, filed 1/17/78.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
 173-201-040 Water use and quality criteria—General considerations. [Order 73-4, § 173-201-040, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
 173-201-045 General water use and criteria classes. [Statutory Authority: RCW 90.48.035 and 90.48.260, 88-02-058 (Order 87-6), § 173-201-045, filed 1/6/88. Statutory Authority: RCW 90.48.035, 82-12-078 (Order DE 82-12), § 173-201-045, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-045, filed 1/17/78.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
 173-201-047 Toxic substances. [Statutory Authority: RCW 90.48.035 and 90.48.260, 88-02-058 (Order 87-6), § 173-201-047, filed 1/6/88.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
 173-201-050 Characteristic uses to be protected. [Statutory Authority: RCW 90.48.035, 78-02-043 (Order DE 77-32), § 173-201-050, filed 1/17/78; Order 73-4, § 173-201-050, filed 7/6/73.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.
 173-201-060 Water course classification. [Order 73-4, § 173-201-060, filed 7/6/73.] Repealed by 78-02-043 (Order DE

- 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
- 173-201-070 General classifications. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-070, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-070, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-070, filed 1/17/78; Order 73-4, § 173-201-070, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-080 Specific classifications—Freshwater. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-080, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-080, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-080, filed 1/17/78; Order 73-4, § 173-201-080, filed 11/16/73; Order 73-4, § 173-201-080, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-085 Specific classifications—Marine water. [Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-085, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-085, filed 1/17/78.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-090 Achievement considerations. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-090, filed 1/6/88. Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-090, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-090, filed 1/17/78; Order 73-4, § 173-201-090, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-100 Implementation. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-100, filed 1/6/88. Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-100, filed 1/17/78; Order 73-4, § 173-201-100, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-110 Surveillance. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-110, filed 1/17/78; Order 73-4, § 173-201-110, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-120 Enforcement. [Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-120, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-120, filed 1/17/78; Order 73-4, § 173-201-120, filed 7/6/73.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-130 Definitions. [Order 73-4, § 173-201-130, filed 7/6/73.] Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
- 173-201-140 Miscellaneous. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-140, filed 1/17/78; Order 73-4, § 173-201-140, filed 7/6/73.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.

Chapter 173-202 WASHINGTON FOREST PRACTICES RULES AND REGULATIONS TO PROTECT WATER QUALITY

- 173-202-010 Authority. [Order DE 76-32, § 173-202-010, filed 7/13/76.] Repealed by 00-11-005 (Order 00-04), filed 5/4/00, effective 6/4/00.
- 173-202-020 Certain WAC sections adopted by reference. [Statutory Authority: RCW 90.48.420, 76.09.040 and chapter 34.05 RCW. 98-08-058 (Order 97-46), § 173-202-020, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 90.48.420, 76.09.040, [76.09.1050 and chapter 34.05 RCW. 98-07-026 (Order 97-41), § 173-202-020, filed 3/10/98, effective 4/10/98. Statutory Authority: RCW 90.48.420 and 76.09.040. 94-17-011, § 173-202-020, filed 8/8/94, effective 9/8/94; 93-11-062, § 173-202-020, filed 5/13/93, effective 6/13/93; 93-01-091 (Order 92-51), § 173-202-020, filed 12/16/92, effective 1/16/93. Statutory Authority: Chapters 90.48 and 76.09 RCW. 92-14-098, § 173-202-020, filed 6/30/92, effective 8/1/92. Statutory Authority: Chapter 76.09 RCW. 88-22-030 (Order 88-19), § 173-202-020, filed 10/27/88. Statutory Authority: RCW 76.09.040. 87-23-017 (Order 87-5), § 173-202-020, filed 11/10/87, effective 1/1/88; 83-15-045 (Order DE 82-37), § 173-202-020, filed 7/19/83; Order DE 76-32, § 173-202-020, filed 7/13/76.] Repealed by 00-11-005 (Order 00-04), filed 5/4/00, effective 6/4/00.

Chapter 173-222 WASTEWATER DISCHARGE PERMIT FEES

- 173-222-010 Purpose and authority. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-010, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-015 Applicability. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-222-015, filed 5/26/88, effective 7/1/88; 86-06-040 (Order 86-03), § 173-222-015, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-020 Definitions. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-020, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-030 Discharge categories. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-030, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-040 Complexity factors. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-040, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-050 Permit fees. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-050, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-060 Permit fee payment. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-060, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-070 Periodic review. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-070, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-080 Public notice. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-080, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-090 Public hearings. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-090, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-100 Agency initiated modifications. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-100, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.
- 173-222-110 Appeals. [Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-110, filed 3/4/86.] Repealed by 02-11-149 (Order 02-08), filed 5/22/02, effective 6/22/02. Statutory Authority: Chapter 90.48 RCW.

Reviser's note: Later promulgation, see chapter 173-224 WAC.

Chapter 173-223 INTERIM WASTEWATER DISCHARGE PERMIT FEES

- 173-223-015 Purpose and authority. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-015, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-015, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.

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- 173-223-020 Applicability. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-020, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
- 173-223-030 Definitions. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-030, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-030, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
- 173-223-040 Permit fee schedule. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-040, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-040, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
- 173-223-050 Permit fee payments. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-050, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-050, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
- 173-223-060 Permits issued by other governmental agencies. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-060, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
- 173-223-070 Credits. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-070, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-070, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
- 173-223-080 Transfer of ownership or control. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-080, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
- 173-223-090 Administrative appeals to the director. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-090, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-090, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
- 173-223-100 Deposits. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-100, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.
- 173-223-110 Past due payments. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-110, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 and 97-22-043 (Orders 89-8 and 97-26), filed 5/31/89 and 10/31/97, effective 12/1/97. Statutory Authority: Chapter 43.21A RCW.

Chapter 173-250**CONSTRUCTION GRANTS PROGRAM—PRIORITY RATING SYSTEM AND PROJECT PRIORITY LIST**

- 173-250-010 Purpose and scope. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-010, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-250-020 Definitions. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-020, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-250-030 Development and approval of the system. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-030, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-250-040 Development and approval of the state project priority list. [Statutory Authority: RCW 43.21A.080. 78-09-067 (Order DE 78-11), § 173-250-040, filed 8/24/78.]

Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

Chapter 173-301**REGULATIONS RELATING TO MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING**

- 173-301-100 Authority and purpose. [Order DE 72-21, § 173-301-100, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-101 Other agencies. [Order DE 72-21, § 173-301-101, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-105 Effects on pollution, public health and safety. [Order DE 72-21, § 173-301-105, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-110 Definitions. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-110, filed 4/13/83; Order DE 72-21, § 173-301-110, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-120 Solid waste storage. [Order DE 72-21, § 173-301-120, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-121 Solid waste storage—Garbage. [Order DE 72-21, § 173-301-121, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-122 Solid waste storage—Light material. [Order DE 72-21, § 173-301-122, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-123 Solid waste storage—Hazardous wastes. [Order DE 72-21, § 173-301-123, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-124 Solid waste storage—Agricultural wastes. [Order DE 72-21, § 173-301-124, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-125 Solid waste storage—Problem wastes. [Order DE 72-21, § 173-301-125, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-126 Solid waste storage—Storage areas and containers. [Order DE 72-21, § 173-301-126, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-140 Collection and transportation. [Order DE 72-21, § 173-301-140, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-141 Collection and transportation—Prevention of nuisances. [Order DE 72-21, § 173-301-141, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-142 Collection and transportation—Vehicle construction. [Order DE 72-21, § 173-301-142, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-143 Collection and transportation—Vehicle spillage. [Order DE 72-21, § 173-301-143, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-150 Transfer station. [Order DE 72-21, § 173-301-150, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-151 Transfer station—Application and plans. [Order DE 72-21, § 173-301-151, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-152 Transfer station—Architecture and landscaping. [Order DE 72-21, § 173-301-152, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-153 Transfer station—Pollution control and cleanliness. [Order DE 72-21, § 173-301-153, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-154 Transfer station—Roads. [Order DE 72-21, § 173-301-154, filed 10/26/72.] Repealed by 86-03-034 (Order 85-

	87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-189	Solid waste disposal site—Communication. [Order DE 72-21, § 173-301-189, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-155	Transfer station—Identification. [Order DE 72-21, § 173-301-155, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-190	Solid waste disposal site—Confined unloading. [Order DE 72-21, § 173-301-190, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-156	Transfer station—Fire protection. [Order DE 72-21, § 173-301-156, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-191	Solid waste disposal site—Reclamation. [Order DE 72-21, § 173-301-191, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-157	Transfer station—Communications. [Order DE 72-21, § 173-301-157, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-192	Solid waste disposal site—Scavenging. [Order DE 72-21, § 173-301-192, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-158	Transfer station—Employee facilities. [Order DE 72-21, § 173-301-158, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-193	Solid waste disposal site—Attendant. [Order DE 72-21, § 173-301-193, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-159	Transfer station—Attendant. [Order DE 72-21, § 173-301-159, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-194	Solid waste disposal site—Safety. [Order DE 72-21, § 173-301-194, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-160	Transfer station—Safety. [Order DE 72-21, § 173-301-160, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-195	Solid waste disposal site—Vector control. [Order DE 72-21, § 173-301-195, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-161	Transfer station—Vector control. [Order DE 72-21, § 173-301-161, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-196	Solid waste disposal site—Light material control. [Order DE 72-21, § 173-301-196, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-162	Transfer station—Records. [Order DE 72-21, § 173-301-162, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-197	Solid waste disposal site—Records. [Order DE 72-21, § 173-301-197, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-163	Transfer station—Confined tipping. [Order DE 72-21, § 173-301-163, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-300	Sanitary landfill, leachate control. [Order DE 72-21, § 173-301-300, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-164	Transfer station—Scavenging. [Order DE 72-21, § 173-301-164, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-301	Sanitary landfill, leachate control—Pollution prevention. [Order DE 72-21, § 173-301-301, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-180	Solid waste disposal site. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-180, filed 4/13/83; Order DE 72-21, § 173-301-180, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-302	Sanitary landfill, leachate control—Gas venting. [Order DE 72-21, § 173-301-302, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-181	Solid waste disposal site—Application and plans. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-181, filed 4/13/83; Order DE 72-21, § 173-301-181, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-303	Sanitary landfill, leachate control—Single layer compaction. [Order DE 72-21, § 173-301-303, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-182	Solid waste disposal site—Disposal site design, architecture and landscaping. [Order DE 72-21, § 173-301-182, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-304	Sanitary landfill, leachate control—Daily cover. [Order DE 72-21, § 173-301-304, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-183	Solid waste disposal site—Pollution control. [Order DE 72-21, § 173-301-183, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-305	Sanitary landfill, leachate control—Final cover. [Order DE 72-21, § 173-301-305, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-184	Solid waste disposal site—Roads. [Order DE 72-21, § 173-301-184, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-306	Sanitary landfill, leachate control—Final surface. [Order DE 72-21, § 173-301-306, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-185	Solid waste disposal site—Gate. [Order DE 72-21, § 173-301-185, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-307	Sanitary landfill, leachate control—Equipment. [Order DE 72-21, § 173-301-307, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-186	Solid waste disposal site—Employee facilities. [Order DE 72-21, § 173-301-186, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-308	Sanitary landfill, leachate control—Completion inspection. [Order DE 72-21, § 173-301-308, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-187	Solid waste disposal site—Disposal site identification. [Order DE 72-21, § 173-301-187, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-309	Sanitary landfill, leachate control—Recurrent inspection and maintenance. [Order DE 72-21, § 173-301-309, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
173-301-188	Solid waste disposal site—Fire protection. [Order DE 72-21, § 173-301-188, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.	173-301-310	Sanitary landfill, leachate control—Recording with county auditor. [Order DE 72-21, § 173-301-310, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
		173-301-320	Sludge management. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-320, filed 4/13/83.] Repealed by

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86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-350 Incinerator, applicability of air pollution standards. [Order DE 72-21, § 173-301-350, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-351 Incinerator, applicability of air pollution standards—Incoming storage. [Order DE 72-21, § 173-301-351, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-352 Incinerator, applicability of air pollution standards—Preuse inspection and performance tests. [Order DE 72-21, § 173-301-352, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-353 Incinerator, applicability of air pollution standards—Residue disposal. [Order DE 72-21, § 173-301-353, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-354 Incinerator, applicability of air pollution standards—Emergency disposal. [Order DE 72-21, § 173-301-354, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-355 Incinerator, applicability of air pollution standards—Drains. [Order DE 72-21, § 173-301-355, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-356 Incinerator, applicability of air pollution standards—Disposal of process water. [Order DE 72-21, § 173-301-356, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-357 Incinerator, applicability of air pollution standards—Recording pyrometer. [Order DE 72-21, § 173-301-357, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-358 Incinerator, applicability of air pollution standards—Safety. [Order DE 72-21, § 173-301-358, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-359 Incinerator, applicability of air pollution standards—Cleaning. [Order DE 72-21, § 173-301-359, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-400 Compost plant, odorous materials. [Order DE 72-21, § 173-301-400, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-401 Compost plant, odorous materials—Safety. [Order DE 72-21, § 173-301-401, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-402 Compost plant, odorous materials—Byproducts. [Order DE 72-21, § 173-301-402, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-450 Reclamation site. [Order DE 72-21, § 173-301-450, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-451 Reclamation site—Application and plans. [Order DE 72-21, § 173-301-451, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-452 Reclamation site—Architecture and landscaping. [Order DE 72-21, § 173-301-452, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-453 Reclamation site—Pollution control and cleanliness. [Order DE 72-21, § 173-301-453, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-454 Reclamation site—Storage. [Order DE 72-21, § 173-301-454, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-455 Reclamation site—Safety. [Order DE 72-21, § 173-301-455, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-456 Reclamation site—Employee facilities. [Order DE 72-21, § 173-301-456, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-457 Reclamation site—Records. [Order DE 72-21, § 173-301-457, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-500 Other methods of solid waste handling, processing and disposal. [Order DE 72-21, § 173-301-500, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-610 Nonconforming sites and facilities. [Order DE 72-21, § 173-301-610, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-611 Abandoned disposal sites. [Order DE 72-21, § 173-301-611, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-625 Enforcement. [Order DE 72-21, § 173-301-625, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

173-301-626 Inspection. [Order DE 72-21, § 173-301-626, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

**Chapter 173-302
HAZARDOUS WASTE REGULATION**

173-302-010 Purpose. [Order DE 77-34, § 173-302-010, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-010.

173-302-020 Applicability. [Order DE 77-34, § 173-302-020, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-020.

173-302-030 Abbreviations. [Order DE 77-34, § 173-302-030, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-030.

173-302-040 Definitions. [Order DE 77-34, § 173-302-040, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-040.

173-302-050 Conference. [Order DE 77-34, § 173-302-050, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.

173-302-060 Imminent hazard. [Order DE 77-34, § 173-302-060, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-050.

173-302-070 Designation of EHW. [Order DE 77-34, § 173-302-070, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-080 Categorization. [Order DE 77-34, § 173-302-080, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-101.

173-302-090 Criteria for dangerous wastes (DW). [Order DE 77-34, § 173-302-090, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-100 Criteria for extremely hazardous waste (EHW). [Order DE 77-34, § 173-302-100, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-110 Hazardous due to toxicity to man and wildlife. [Order DE 77-34, § 173-302-110, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-120	Hazardous due to quantity. [Order DE 77-34, § 173-302-120, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-102.	173-302-280	Environmental requirements. [Order DE 77-34, § 173-302-280, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-302-130	Hazardous due to persistence and potential hazard. [Order DE 77-34, § 173-302-130, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.	173-302-290	Security requirements. [Order DE 77-34, § 173-302-290, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-310.
173-302-140	Containers. [Order DE 77-34, § 173-302-140, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-160.	173-302-300	Safety requirements. [Order DE 77-34, § 173-302-300, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
173-302-150	Division, dilution, and accumulation. [Order DE 77-34, § 173-302-150, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-150.	173-302-310	Emergency requirements. [Order DE 77-34, § 173-302-310, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-350 through 173-303-360.
173-302-160	Appeal of designation. [Order DE 77-34, § 173-302-160, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.	173-302-320	Personnel requirements. [Order DE 77-34, § 173-302-320, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-330.
173-302-165	Disposal prohibited. [Statutory Authority: RCW 70.105.020 and 70.105.030. 78-08-021 (Order DE 78-14), § 173-302-165, filed 7/12/78.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.	173-302-330	Department surveillance. [Order DE 77-34, § 173-302-330, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-302-170	Requirements for generators. [Order DE 77-34, § 173-302-170, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.	173-302-340	Financial requirements. [Order DE 77-34, § 173-302-340, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-620.
173-302-180	Manifest procedures. [Order DE 77-34, § 173-302-180, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-180.	173-302-350	Treater requirements. [Order DE 77-34, § 173-302-350, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-302-190	Manifest form. [Order DE 77-34, § 173-302-190, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-180.	173-302-360	Treater applicability. [Order DE 77-34, § 173-302-360, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-302-200	Waste transporter requirements. [Order DE 77-34, § 173-302-200, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-240.	173-302-370	EHW acceptance. [Order DE 77-34, § 173-302-370, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-302-210	Transporter applicability. [Order DE 77-34, § 173-302-210, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-240.	173-302-380	Treatment criteria. [Order DE 77-34, § 173-302-380, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-302-220	Waste acceptance. [Order DE 77-34, § 173-302-220, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-250 and 173-303-370.	173-302-390	Compliance. [Statutory Authority: RCW 70.105.020 and 70.105.030. 78-08-021 (Order DE 78-14), § 173-302-390, filed 7/12/78; Order DE 77-34, § 173-302-390, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
173-302-230	Transportation. [Order DE 77-34, § 173-302-230, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-250.	Chapter 173-309 HAZARDOUS WASTE CLEANUP ACT—LOCAL TOXICS CONTROL ACCOUNT—INTERIM FINANCIAL ASSISTANCE PROGRAM	
173-302-240	Operator requirements. [Order DE 77-34, § 173-302-240, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.	173-309-010	Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-010, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-010, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
173-302-250	Yearly operating plan. [Order DE 77-34, § 173-302-250, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.	173-309-020	Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-020, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-020, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
173-302-260	Hazardous waste acceptance. [Order DE 77-34, § 173-302-260, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-370.	173-309-030	Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-030, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-030, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
173-302-270	EHW handling at the disposal site. [Order DE 77-34, § 173-302-270, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.		

- 173-309-040 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-040, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-040, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-050 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-050, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-050, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-060 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-060, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-060, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-070 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-070, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-070, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-080 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-080, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-080, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.
- 173-309-090 Reserved. [Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-309-090, filed 9/4/90, effective 10/5/90. Statutory Authority: RCW 70.105B.220(4). 88-17-009 (Order 88-61), § 173-309-090, filed 8/5/88.] Repealed by 97-18-046 (Order 97-18), filed 8/28/97, effective 9/28/97.

Chapter 173-311**MODERATE RISK WASTE GRANTS**

- 173-311-010 Purpose and authority. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-010, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.
- 173-311-020 Definitions. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-020, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.
- 173-311-030 Relation to other legislation and administrative rules. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-030, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.
- 173-311-040 General. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-040, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.
- 173-311-050 Moderate risk waste grants. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-311-050, filed 9/4/90, effective 10/5/90.] Repealed by 97-18-048 (Order 97-19), filed 8/28/97, effective 9/28/97.

Chapter 173-314**WASTE TIRE CARRIER AND STORAGE SITE LICENSES**

- 173-314-010 Authority and purpose. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-010, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-100 Definitions. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-100, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-200 Waste tire carrier license. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-200, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.

- 173-314-210 Enforcement for waste tire carriers. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-210, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-220 Storage, disposal, and utilization. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-220, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-300 Waste tire storage site license. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-300, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-310 Variances. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-310, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-320 Enforcement for waste tire storage sites. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-320, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-330 Records. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-330, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.
- 173-314-340 Reports. [Statutory Authority: RCW 70.95.555. 89-03-047 (Order 88-33), § 173-314-340, filed 1/13/89.] Repealed by 03-10-020 (Order 03-04), filed 4/28/03, effective 5/29/03. Statutory Authority: Chapter 70.95 RCW.

Reviser's note: Later promulgation, see chapter 173-350 WAC.

Chapter 173-315**MODEL TOXICS CONTROL ACT—LOCAL TOXICS CONTROL ACCOUNT—INTERIM FINANCIAL ASSISTANCE PROGRAM**

- 173-315-010 Purpose and authority. [Statutory Authority: Chapter 70.105D RCW. 90-10-058 (Order 89-42), § 173-315-010, filed 5/1/90, effective 6/1/90. Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-010, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
- 173-315-020 Definitions. [Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-020, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
- 173-315-030 Relation to other legislation and administrative rules. [Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-030, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
- 173-315-040 General. [Statutory Authority: Chapter 70.105D RCW. 90-10-058 (Order 89-42), § 173-315-040, filed 5/1/90, effective 6/1/90. Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-040, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
- 173-315-050 Reserved. [Statutory Authority: Chapter 70.105D RCW. 90-10-058 (Order 89-42), § 173-315-050, filed 5/1/90, effective 6/1/90. Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-050, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
- 173-315-060 Hazardous waste planning and program grants. [Statutory Authority: RCW 43.21A.080, chapter 70.105D RCW and 1990 c 114 § 19. 90-18-066 (Order 90-22), § 173-315-060, filed 9/4/90, effective 10/5/90. Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-060, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.
- 173-315-070 Solid waste planning and program grants. [Statutory Authority: 1989 c 2. 89-17-072 (Order 89-11), § 173-315-070, filed 8/17/89, effective 9/17/89.] Repealed by 97-18-043 (Order 97-20), filed 8/28/97, effective 9/28/97.

Chapter 173-318**PHASE ONE—WASTE REDUCTION AND RECYCLING GRANTS**

- 173-318-010 Purpose and authority. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-010, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
- 173-318-020 Relation to other legislation and administrative rules. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-020, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
- 173-318-030 Definitions. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-030, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
- 173-318-040 Funding. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-040, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
- 173-318-050 Procedures. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-050, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
- 173-318-060 Eligibility and grantee match requirements. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-060, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
- 173-318-070 Waste reduction/recycling best management practices study demonstration project grants. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-070, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.
- 173-318-080 Preimplementation program design grants for waste reduction/recycling projects. [Statutory Authority: Chapters 43.83A and 43.99F RCW. 89-18-070 (Order 89-29), § 173-318-080, filed 9/5/89, effective 10/6/89.] Repealed by 97-18-044 (Order 97-22), filed 8/28/97, effective 9/28/97.

Chapter 173-319**COMPREHENSIVE WASTE REDUCTION/RECYCLING GRANTS PROGRAM**

- 173-319-010 Purpose and authority. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-010, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
- 173-319-020 Relation to other legislation and administrative rules. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-020, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
- 173-319-030 Definitions. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-030, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
- 173-319-040 General. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-040, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
- 173-319-050 Compost study grants. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-050, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.
- 173-319-060 Waste reduction and recycling public information and education grants. [Statutory Authority: RCW 43.21A.080. 90-22-084 (Order 90-39), § 173-319-060, filed 11/6/90, effective 12/7/90.] Repealed by 97-18-045 (Order 97-23), filed 8/28/97, effective 9/28/97.

Chapter 173-320**BEVERAGE CONTAINERS—DETACHABLE PULL TABS**

- 173-320-010 Authority. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-010, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-320-020 Declaration of purpose. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-020, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

173-320-030

173-320-040

173-320-050

173-320-060

173-320-070

173-320-080

Applicability. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-030, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Definitions. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-040, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Prohibition. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-050, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Return requirement. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-060, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Complaints. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-070, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Enforcement. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-080, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Chapter 173-335**VEHICLE TIRE RECYCLING AND REMOVAL GRANT REGULATION**

- 173-335-010 Purpose and authority. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-010, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-335-020 Definitions. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-020, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-335-030 Relation to other legislation and administrative rules. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-030, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-335-040 General. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-040, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-335-050 Administration. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-050, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Chapter 173-336**INITIAL INVESTIGATION REGULATION**

- 173-336-010 Purpose and authority. [Statutory Authority: RCW 70.105B.030(2). 88-15-038 (Order 88-20), § 173-336-010, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-336-020 Definitions. [Statutory Authority: RCW 70.105B.030(2). 88-15-038 (Order 88-20), § 173-336-020, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-336-030 General. [Statutory Authority: RCW 70.105B.030(2). 88-15-038 (Order 88-20), § 173-336-030, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

Chapter 173-338**HAZARD RANKING SYSTEM REGULATION**

- 173-338-010 Purpose. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-010, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-338-020 Definitions. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-020, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-338-030 Evaluation criteria. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-030, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

	12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.	173-403-080	Prevention of significant deterioration (PSD). [Statutory Authority: Chapters 70.94 and 43.21A RCW. 89-02-055 (Order 88-39), § 173-403-080, filed 1/3/89. Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-080, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-080, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-080, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
173-338-040	Scoring procedure. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-040, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.		
173-338-050	Rescoring. [Statutory Authority: RCW 70.105B.030(2). 88-15-037 (Order 88-5), § 173-338-050, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.		
Chapter 173-402			
CIVIL SANCTIONS UNDER WASHINGTON CLEAN AIR ACT			
173-402-010	Prior regulations. [Statutory Authority: RCW 70.94.040, 70.94.141 and 70.94.331. 80-08-024 (Order DE 80-23), § 173-402-010, filed 6/24/80.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.	173-403-090	Retrofit requirements for visibility protection. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-090, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
173-402-020	Subsequent regulations. [Statutory Authority: RCW 70.94.040, 70.94.141 and 70.94.331. 80-08-024 (Order DE 80-23), § 173-402-020, filed 6/24/80.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.	173-403-100	Compliance schedules. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-100, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
Chapter 173-403			
IMPLEMENTATION OF REGULATIONS FOR AIR CONTAMINANT SOURCES			
173-403-010	Policy and purpose. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-010, filed 4/11/83. Formerly WAC 18-60-010.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.	173-403-110	Public involvement. [Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-110, filed 11/10/86. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-110, filed 8/26/83. 83-09-013 (Order DE 83-12), § 173-403-110, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
173-403-020	Applicability. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-020, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.	173-403-120	Variance. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-120, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
173-403-030	Definitions. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 89-02-055 (Order 88-39), § 173-403-030, filed 1/3/89. Statutory Authority: Chapter 70.94 RCW. 87-19-074 (Order 87-13), § 173-403-030, filed 9/16/87. Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-030, filed 11/10/86; 85-06-047 (Order 84-49), § 173-403-030, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-030, filed 8/26/83; 83-09-013 (Order DE 83-12), § 173-403-030, filed 4/11/83. Formerly WAC 18-60-020.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.	173-403-130	Requirements for nonattainment areas. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-130, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
173-403-050	New source review (NSR). [Statutory Authority: Chapters 70.94 and 43.21A RCW. 89-02-055 (Order 88-39), § 173-403-050, filed 1/3/89. Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-050, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-050, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-050, filed 8/26/83; 83-09-013 (Order DE 83-12), § 173-403-050, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.	173-403-140	Use of dispersion techniques. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-140, filed 4/11/83.] Repealed by 86-23-014 (Order 86-30), filed 11/10/86. Statutory Authority: RCW 70.94.331.
173-403-060	Bubble rules. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-060, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.	173-403-141	Creditable stack height and dispersion techniques. [Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-141, filed 11/10/86.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
173-403-070	Issuance of emission reduction credits. [Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-070, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-070, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-070, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.	173-403-145	Adjustment for atmospheric conditions. [Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-145, filed 11/10/86.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
173-403-075	Use of emission reduction credits. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-075, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.	173-403-150	Maintenance of pay. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-150, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
		173-403-160	Requirements for boards and director. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-160, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
		173-403-170	Regulatory actions. [Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-170, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-170, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
		173-403-180	Criminal penalties. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-180, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
		173-403-190	Appeals. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-190, filed 4/11/83.] Repealed by 91-05-064 (Order 90-

06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

**Chapter 173-440
SENSITIVE AREAS**

(Formerly chapter 18-06 WAC)

- 173-440-010 Purpose. [Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-440-010, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-010, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-020 Applicability. [Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-020, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-030 Definitions. [Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-440-030, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-030, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-040 Sensitive areas designated. [Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-040, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-100 Standards. [Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-440-100, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-100, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-440-900 Appendix A—Map. [Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-900, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

**Chapter 173-530
WATER RESOURCES PROGRAM
IN THE KLICKITAT RIVER BASIN, WRIA-30**

- 173-530-910 Authority. [Order DE 76-7, § 173-530-910, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-920 Purpose. [Order DE 76-7, § 173-530-920, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-930 Definitions. [Order DE 76-7, § 173-530-930, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-940 Declaration of withdrawal. [Statutory Authority: RCW 90.54.050. 81-20-041 (Order DE 81-30), § 173-530-940, filed 10/18/81; 78-11-039 (Order DE 78-18), § 173-530-940, filed 10/19/78; Order DE 76-7, § 173-530-940, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-950 Existing rights not affected. [Order DE 76-7, § 173-530-950, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-960 Exemptions. [Order DE 76-7, § 173-530-960, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.

**Chapter 173-531
WATER RESOURCE PROGRAM FOR THE JOHN DAY-MCNARY
POOLS REACH OF THE COLUMBIA RIVER,
WRIA 31 AND PARTS OF WRIAS 32, 33, 36, AND 37**

- 173-531-010 Purpose. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-010, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-010.
- 173-531-020 Definitions. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-020, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW

173-531-030

173-531-040

173-531-050

173-531-060

173-531-070

90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-020.

Existing water rights protected. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-030, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-030.

Reservation for future irrigation use. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-040, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-040.

Reservation for municipal use. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-050, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-050.

Department to develop an instream resource protection program. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-060, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-060.

Department to review regulation. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-070, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-070.

**Chapter 173-596
PROCEDURES AND POLICIES GOVERNING APPROPRIATIONS
OF SIGNIFICANT AMOUNTS OF WATER FOR AGRICULTURAL
IRRIGATION USE**

- 173-596-010 Background. [Order DE 76-19, § 173-596-010, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-015 Purpose. [Order DE 76-19, § 173-596-015, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-020 Definitions. [Order DE 76-19, § 173-596-020, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-025 Conditions to be included in permits involving substantial withdrawals of public waters. [Order DE 76-19, § 173-596-025, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-030 Regional water supply and multipurpose project considerations. [Order DE 76-19, § 173-596-030, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-035 Processing of applications. [Order DE 76-19, § 173-596-035, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-040 Water right of regional or statewide significance. [Order DE 76-19, § 173-596-040, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-045 Conservation and management program. [Order DE 76-19, § 173-596-045, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-050 Monitoring program. [Order DE 76-19, § 173-596-050, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-055 Effect on existing rights and laws and public entities. [Order DE 76-19, § 173-596-055, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-060 Environmental impact statement. [Order DE 76-19, § 173-596-060, filed 6/8/76.] Repealed by 88-13-037

(Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.

173-596-065 Review of regulatory orders. [Order DE 76-19, § 173-596-065, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.

Chapter 173-800

INTEGRATION OF POLICIES AND PROCEDURES OF SEPA INTO THE PROGRAMS OF THE DEPARTMENT OF ECOLOGY

173-800-010 Authority. [Order DE 76-12, § 173-800-010, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-010.

173-800-015 Impact of guidelines on the department. [Order DE 76-12, § 173-800-015, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-020 Purpose. [Order DE 76-12, § 173-800-020, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-030.

173-800-030 Effect of SEPA. [Order DE 76-12, § 173-800-030, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-040.

173-800-035 Integration of SEPA procedures with other departmental operations. [Order DE 76-12, § 173-800-035, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-045.

173-800-040 Definitions. [Order DE 76-12, § 173-800-040, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-050 Designation of responsible official. [Order DE 76-12, § 173-800-050, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-050.

173-800-060 Timing. [Order DE 76-12, § 173-800-060, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-060.

173-800-070 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order DE 76-12, § 173-800-070, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-080 Summary of information which may be required of a private applicant. [Order DE 76-12, § 173-800-080, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-070.

173-800-090 No presumption of significance for nonexempt actions. [Order DE 76-12, § 173-800-090, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-100 Categorical exemptions. [Order DE 76-12, § 173-800-100, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-105 Exemptions applicable to other agencies. [Order DE 76-12, § 173-800-105, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-110 Exemptions and nonexemptions specifically applicable to the department. [Order DE 76-12, § 173-800-110, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-120 Exemption for emergency actions. [Order DE 76-12, § 173-100-120 (codified as WAC 173-800-120), filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-140 Sensitive areas. [Order DE 76-12, § 173-800-140, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-080.

173-800-145 Use and effect of categorical exemptions. [Order DE 76-12, § 173-800-145, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-150 Lead agency—Responsibilities. [Order DE 76-12, § 173-800-150, filed 5/14/76.] Repealed by 78-04-090

(Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-160 Determination of lead agency—Procedures. [Order DE 76-12, § 173-800-160, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-170 Lead agency designation—Governmental proposals. [Order DE 76-12, § 173-800-170, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-180 Lead agency designation—Proposals involving both private and public construction activity. [Order DE 76-12, § 173-800-180, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-190 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order DE 76-12, § 173-800-190, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-200 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order DE 76-12, § 173-800-200, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-210 Lead agency designation—Private projects requiring licenses from more than one state agency. [Order DE 76-12, § 173-800-210, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-220 Lead agency designation—Specific proposals. [Order DE 76-12, § 173-800-220, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-230 Local agency transfer of lead agency status to a state agency. [Order DE 76-12, § 173-800-230, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-240 Agreements as to lead agency status. [Order DE 76-12, § 173-800-240, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-250 Agreements between agencies as to division of lead agency duties. [Order DE 76-12, § 173-800-250, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-260 Dispute as to lead agency determination—Resolution by CEP. [Order DE 76-12, § 173-800-260, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-270 Assumption of lead agency status by another agency with jurisdiction. [Order DE 76-12, § 173-800-270, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-280 Individuals making SEPA-related determinations. [Order DE 76-12, § 173-800-280, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-090.

173-800-300 Environmental checklist. [Order DE 76-12, § 173-800-300, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-310 Environmental checklist procedures. [Order DE 76-12, § 173-800-310, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-320 Threshold determination procedures—Initial review of environmental checklist. [Order DE 76-12, § 173-800-320, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-330 Threshold determination procedures—Information in addition to checklist. [Order DE 76-12, § 173-800-330, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-340 Threshold determination procedures—Negative declarations. [Order DE 76-12, § 173-800-340, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Order DE 76-12, § 173-800-345,

173-800-350	filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Affirmative threshold determination. [Order DE 76-12, § 173-800-350, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-485	Public hearing on environmental impact of the proposal. [Order DE 76-12, § 173-800-485, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-355	Form of declaration of significance/nonsignificance. [Order DE 76-12, § 173-800-355, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-490	Public hearing on the proposal—Use of environmental documents. [Order DE 76-12, § 173-800-490, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-360	Threshold determination criteria—Application of environmental checklist. [Order DE 76-12, § 173-800-360, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-495	Preparation of amended or new draft EIS. [Order DE 76-12, § 173-800-495, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-370	Withdrawal of affirmative threshold determination. [Order DE 76-12, § 173-800-370, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-500	Responsibilities of consulted agencies—Local agencies. [Order DE 76-12, § 173-800-500, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-375	Withdrawal of negative threshold determination. [Order DE 76-12, § 173-800-375, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-510	Responsibilities of consulted agencies—State agencies with jurisdiction. [Order DE 76-12, § 173-800-510, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-380	Threshold determination appeal procedures. [Order DE 76-12, § 173-800-380, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-100.	173-800-520	Responsibilities of consulted agencies—State agencies with environmental expertise. [Order DE 76-12, § 173-800-520, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-390	Statute of limitation. [Order DE 76-12, § 173-800-390, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-110.	173-800-530	Responsibilities of consulted agencies—When predraft consultation has occurred. [Order DE 76-12, § 173-800-530, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-400	Duty to begin preparation of a draft EIS. [Order DE 76-12, § 173-800-400, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-535	Cost of performance of consulted agency responsibilities. [Order DE 76-12, § 173-800-535, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-405	Purpose and function of a draft EIS. [Order DE 76-12, § 173-800-405, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-540	Limitations on responses to consultation. [Order DE 76-12, § 173-800-540, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-410	Predraft consultation procedures. [Order DE 76-12, § 173-800-410, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-545	Effect of no written comment. [Order DE 76-12, § 173-800-545, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-420	Preparation of EIS by persons outside the lead agency. [Order DE 76-12, § 173-800-420, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-550	Consulted agency coordination. [Order DE 76-12, § 173-800-550, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-425	Organization and style of a draft EIS. [Order DE 76-12, § 173-800-425, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-570	Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order DE 76-12, § 173-800-570, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-440	Contents of a draft EIS. [Order DE 76-12, § 173-800-440, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-580	Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order DE 76-12, § 173-800-580, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-442	Special considerations regarding contents of an EIS on a nonproject action. [Order DE 76-12, § 173-800-442, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-600	Circulation of the final EIS. [Order DE 76-12, § 173-800-600, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-444	List of elements of the environment. [Order DE 76-12, § 173-800-444, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-650	Effect of an adequate final EIS prepared pursuant to NEPA. [Order DE 76-12, § 173-800-650, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-450	Public awareness of availability of draft EIS. [Order DE 76-12, § 173-800-450, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-652	Supplementation by a lead agency of an inadequate final NEPA EIS. [Order DE 76-12, § 173-800-652, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-460	Specific agencies to which draft EIS shall be sent. [Order DE 76-12, § 173-800-460, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-660	Use of previously prepared EIS for a different proposed action. [Order DE 76-12, § 173-800-660, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-465	Agencies possessing environmental expertise. [Order DE 76-12, § 173-800-465, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-690	Use of lead agency's EIS by other acting agencies for the same proposal. [Order DE 76-12, § 173-800-690, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-470	Cost to the public for reproduction of environmental documents. [Order DE 76-12, § 173-800-470, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-695	Draft and final supplements to a revised EIS. [Order DE 76-12, § 173-800-695, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
173-800-480	Public hearing on a proposal—When required. [Order DE 76-12, § 173-800-480, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.	173-800-710	EIS combined with existing planning and review processes. [Order DE 76-12, § 173-800-710, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

Title 173**Title 173 WAC: Ecology, Department of**

- 173-800-810 Responsibility of agencies—Amendments to this chapter. [Order DE 76-12, § 173-800-810, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-830 Responsibility of agencies—SEPA public information center. [Order DE 76-12, § 173-800-830, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-840 Application of these guidelines to on-going actions. [Order DE 76-12, § 173-800-840, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-910 Severability. [Order DE 76-12, § 173-800-910, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-130.

Chapter 173-801**DEPARTMENT OF ECOLOGY "SEPA" GUIDELINES**

- 173-801-010 Authority. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-010, filed 4/4/78. Formerly WAC 173-800-010.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135. Later promulgation, see chapter 173-802 WAC.
- 173-801-020 Adoption by reference. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-020, filed 4/4/78.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-030 Purpose. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-030, filed 4/4/78. Formerly WAC 173-800-020.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-040 Effect of SEPA. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-040, filed 4/4/78. Formerly WAC 173-800-030.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-045 Integration of SEPA procedures with other departmental operations. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-045, filed 4/4/78. Formerly WAC 173-800-035.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-050 Designation of responsible official. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-050, filed 4/4/78. Formerly WAC 173-800-050.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-060 Timing. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-060, filed 4/4/78. Formerly WAC 173-800-060.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-070 Summary of information which may be required of a private applicant. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-070, filed 4/4/78. Formerly WAC 173-800-080.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-080 Sensitive areas. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-080, filed 4/4/78. Formerly WAC 173-800-140.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-090 Individuals making SEPA-related determinations. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-090, filed 4/4/78. Formerly WAC 173-800-280.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-100 Threshold determination appeal procedures. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-100, filed 4/4/78. Formerly 173-800-380.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-110 Statute of limitation. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-110, filed 4/4/78. Formerly WAC 173-800-390.]

Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.

173-801-120 Coordination on combined DOE-federal action. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-120, filed 4/4/78.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.

173-801-130 Severability. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-130, filed 4/4/78. Formerly WAC 173-800-910.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.

Chapter 173-805**MODEL ORDINANCE FOR USE
IN INTEGRATION OF SEPA GUIDELINES**

- 173-805-010 Policies and authority. [Order DE 76-13, § 173-805-010, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-010.
- 173-805-020 Adoption by reference. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-020, filed 4/4/78; Order DE 76-13, § 173-805-020, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-020, 173-806-065, 173-806-110, 173-806-128, 173-806-150, 173-806-155, 173-806-175, 173-806-180, 173-806-185 and 173-806-230.
- 173-805-030 Additional definitions. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-030, filed 4/4/78; Order DE 76-13, § 173-805-030, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-030.
- 173-805-040 Time limits applicable to the SEPA process. [Order DE 76-13, § 173-805-040, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-055.
- 173-805-050 Environmentally sensitive areas. [Order DE 76-13, § 173-805-050, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-190.
- 173-805-060 Use of exemptions. [Order DE 76-13, § 173-805-060, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-080.
- 173-805-070 Lead agency determination and responsibilities. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-070, filed 4/4/78; Order DE 76-13, § 173-805-070, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-050.
- 173-805-080 Transfer of lead agency status to a state agency. [Order DE 76-13, § 173-805-080, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-053.
- 173-805-090 Environmental checklist. [Order DE 76-13, § 173-805-090, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-090.
- 173-805-100 Preparation of EIS. [Order DE 76-13, § 173-805-100, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-120.
- 173-805-105 Additional elements to be covered in an EIS. [Order DE 76-13, § 173-805-105, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-125.
- 173-805-110 Designation of official to perform consulted agency responsibilities for the city/county. [Order DE 76-13, § 173-805-110, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-140.

- 173-805-115 Designation of responsible official. [Order DE 76-13, § 173-805-115, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-040.
- 173-805-120 (Optional) SEPA public information center. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-120, filed 4/4/78; Order DE 76-13, § 173-805-120, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130.
- 173-805-121 Responsibility of agencies—SEPA public information. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-121, filed 4/4/78.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130.
- 173-805-125 Regional SEPA public information center. [Order DE 76-13, § 173-805-125, filed 6/8/76.] Repealed by 78-04-091 (Order DE 78-6), filed 4/4/78. Statutory Authority: RCW 43.21C.130.
- 173-805-130 Fees. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-130, filed 4/4/78; Order DE 76-13, § 173-805-130, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-200.
- 173-805-135 Notice/statute of limitations. [Order DE 76-13, § 173-805-135, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-173.
- 173-805-140 Severability. [Order DE 76-13, § 173-805-140, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-220.

Chapter 173-03 WAC

PUBLIC RECORDS

WAC

- 173-03-010 What is the purpose of this chapter?
- 173-03-020 How are specific terms defined in this chapter?
- 173-03-030 How is the department of ecology organized?
- 173-03-040 How do I get access to the public records of the department of ecology?
- 173-03-050 What records are retained and how are they indexed?
- 173-03-060 How do I request a public record?
- 173-03-070 How much will it cost me to view a public record?
- 173-03-080 What happens when the department denies a public records request?
- 173-03-090 What do I do if I object to the department's denial to review a public record?
- 173-03-100 How does the department protect public records?

WAC 173-03-010 What is the purpose of this chapter? The purpose of this chapter is to implement the requirements of RCW 42.17.250 - 42.17.340 relating to public records.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-010, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-010, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-010, filed 1/17/78.]

WAC 173-03-020 How are specific terms defined in this chapter? (1) The terms "person," "public record," and "writing" shall have the meanings as stated in RCW 42.17-020.

- (2) "Department" means the department of ecology.
- (3) "Director" means the director of the department.
- (4) "Public records officer" means the employee designated as such by the department.
- (5) "Designee" means the employee of the department designated by the director or the public records officer to

(2007 Ed.)

serve as the public records coordinator at the headquarters offices or at each of the regional offices in the absence of the officer.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-020, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-020, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-020, filed 1/17/78.]

WAC 173-03-030 How is the department of ecology organized? (1) Headquarters office.

(a) The headquarters office is located at 300 Desmond Drive, Lacey, Washington. The mailing address for the headquarters office is:

Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

The mailing address for the nuclear waste management program's Hanford project is:

Nuclear Waste Management
1315 W. 4th Ave.
Kennewick, WA 99336

(b) The offices of the director, deputy director(s), program managers and other agency officials are located in the headquarters office.

(c) The titles of the executive staff are as follows:

Chief financial officer for financial services.
Administrative services manager for administrative services.
Director for intergovernmental relations.
Director for employee services.
Director for communications and education.
Assistant administrator for spills prevention, preparedness and response.

(2) The program offices located in the headquarters office are:

- (a) Air quality;
(b) Water resources;
(c) Water quality;
(d) Toxics cleanup;
(e) Nuclear waste;
(f) Solid waste and financial assistance;
(g) Hazardous waste and toxics reductions;
(h) Environmental investigations and laboratory services; and
(i) Shorelands and environmental assistance.

(3) Regional offices and their geographical jurisdictions are as follows:

(a) Northwest regional office (Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties):

3190 - 160th Avenue S.E.
Bellevue, WA 98008-5452

(b) Southwest regional office (Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties):

300 Desmond Drive
Lacey, WA 98503

Mailing address:
P.O. Box 47775
Olympia, Washington 98504-7775

(c) Central regional office (Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties):

15 West Yakima, Suite 200
Yakima, WA 98902-3401

(d) Eastern regional office (Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties):

N. 4601 Monroe, Suite 100
Spokane, Washington 99205-1295

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-030, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-030, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-030, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-030, filed 1/17/78.]

WAC 173-03-040 How do I get access to the public records of the department of ecology? (1) All public records of the department are available for public inspection and copying under these rules subject to subsections (2), (3), (4), and (5) of this section.

(2) Availability of public records is subject to the exemptions and prohibitions against disclosure contained in RCW 42.17.310, 42.17.130, 42.17.255, 42.17.260, and 90.52.020. In addition, individuals may request, and ecology may grant, confidentiality of documents from disclosure under RCW 43.21A.160 and 70.105.170.

(3) When a public record includes information which, if disclosed, would lead to an unreasonable invasion of personal privacy, and the department becomes aware of this fact, the department shall delete such information before making the record available.

(4) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the department shall notify the requester when and where those records will be available.

(5) Public records of the department are kept by the department or state archives until scheduled for destruction by the records retention schedule in accordance with chapter 40.14 RCW. Public records subject to a request for disclosure when scheduled for destruction shall be retained by the department and may not be erased or destroyed until the request is resolved.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-040, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-040, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-040, filed 1/17/78.]

WAC 173-03-050 What records are retained and how are they indexed? The records retention schedule established by the division of state archives of the office of the secretary of state serves as an index for the identification and location of the following records:

(1) All records issued before July 1, 1990, for which the department has maintained an index;

(2) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(3) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the department in carrying out its duties; and

(4) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990.

The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the retention period. The records retention schedule is available to the public for inspection and copying. With the assistance of the public records officer or designee, any person can obtain access to public records of the department using the records retention schedule.

A separate index of policy statements as defined in RCW 34.05.010(4) entered after June 30, 1990, shall be maintained by the department's policy manual coordinator or designees.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-050, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-050, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-050, filed 1/17/78.]

WAC 173-03-060 How do I request a public record?

(1) All requests for inspection or copying made in person at a department office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date of Request Time of Request
Name
Address
Description of Records:
.....
.....
.....

I understand that if a list of individuals is provided me by the Department of Ecology, it will neither be used to promote the election of an official nor promote nor oppose a ballot proposition as prohibited by RCW 42.17.130 nor for commercial purposes nor give or provide access to material to others for commercial purposes as prohibited by RCW 42.17.260(9).

I understand that I will be charged the amount necessary to reimburse the department's cost for copying.

.....
Signature
Number of pages to be copied
Number of copies per page
Charge per copy \$
Special copy work charge \$

Staff time charge	\$
Total charge	\$

(2) You may request records in person at a department of ecology office between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

(3) If you make your request by mail, your request must contain the following information:

(a) The name and address of the person making the request and the organization the person represents;

(b) The time of day and calendar date on which the person wishes to inspect the public records;

(c) A description of the public records requested;

(d) A statement whether access to copying equipment is desired;

(e) A phone number where the person can be reached in case the public records officer or designate needs to contact the person for further description of the material or any other reason.

(f) A statement that the record will not be used for commercial purposes.

(4) The department must receive all requests at least five business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection. The department will process all requests in a timely manner. However, large requests or requests for public records maintained off-site may require more than five business days to prepare. The department will respond to your request within five business days of receiving it, by either:

(a) Providing the record;

(b) Acknowledging that the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or

(c) Denying the public record request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it.

(5) The department may in its discretion fill requests made by telephone or facsimile copy (fax).

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-060, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-060, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-060, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-060, filed 1/17/78.]

WAC 173-03-070 How much will it cost me to view a public record? The department does not charge a fee for the inspection of public records. The department will charge an amount necessary to reimburse its costs for providing copies

of records. This amount shall be reviewed from time to time by the department, and shall represent the costs of providing copies of public records and for use of the department's copy equipment, including staff time spent copying records, preparing records for copying, and restoring files. This charge is the amount necessary to reimburse the department for its actual costs for copying and is payable at the time copies are furnished. The charge for special copy work of nonstandard public records shall reflect the total cost, including the staff time necessary to safeguard the integrity of these records.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-070, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-070, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-070, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-070, filed 1/17/78.]

WAC 173-03-080 What happens when the department denies a public records request? When the department refuses, in whole or part, a request for inspection of any public record, it must include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-080, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-080, filed 1/17/78.]

WAC 173-03-090 What do I do if I object to the department's denial to review a public record? (1) Any person who objects to the refusal of a request for a public record may petition for prompt review of that decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the refusal.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director or the director's delegate. The director or delegate shall immediately consider the matter and either affirm or reverse the refusal. The final decision shall be sent to the objecting person within two business days following receipt of the petition for review.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-090, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-090, filed 1/17/78.]

WAC 173-03-100 How does the department protect public records? In order to adequately protect the public records of the department, you must comply with the following guidelines while inspecting public records:

(1) You may not remove any public record from the department's premises.

(2) You must have a designated department employee present while you are inspecting a public record.

(3) You may not mark or deface a public record in any manner during inspection.

(4) You may not dismantle public records which are maintained in a file or jacket, or in chronological or other filing order, or those records which, if lost or destroyed, would

constitute excessive interference with the department's essential functions.

(5) Access to file cabinets, shelves, vaults, or other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-100, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-100, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.21A.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-100, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-100, filed 1/17/78.]

Chapter 173-04 WAC PRACTICE AND PROCEDURE

WAC

173-04-010	Hearings boards.
173-04-020	Uniform procedural rules.

WAC 173-04-010 Hearings boards. Appeals from decisions and orders of the department of ecology are under the jurisdiction of the pollution control hearings board. Practice and procedure before the pollution control hearings board is governed by the provisions of chapter 371-08 WAC. Declaratory proceedings under the Shoreline Management Act of 1971 (section 18(4), chapter 286, Laws of 1971 ex. sess.) are under the jurisdiction of the shorelines hearings board.

[Order DE 71-14, § 173-04-010, filed 9/3/71.]

WAC 173-04-020 Uniform procedural rules. In those contested cases, declaratory proceedings, and requests for rule making in which the department of ecology has authority to conduct hearings, practice and procedure shall be in accordance with those uniform rules promulgated by the code reviser and codified as chapter 1-08 WAC as now written or as hereafter amended.

[Order DE 71-14, § 173-04-020, filed 9/3/71.]

Chapter 173-06 WAC DELEGATION OF POWERS

WAC

173-06-050	Regulations.
173-06-100	Introduction.
173-06-110	Definitions.
173-06-120	Delegation.
173-06-130	Director's powers.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-06-010	Introduction. [Order DE 71-13, § 173-06-010, filed 9/8/71.] Repealed by 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.
173-06-020	Definitions. [Order DE 71-13, § 173-06-020, filed 9/8/71.] Repealed by 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.
173-06-030	Delegation. [Statutory Authority: Chapter 43.21A RCW. 89-11-021 and 90-07-014 (Order 89-6 and 89-6A), § 173-06-030, filed 5/11/89 and 3/13/90, effective 4/13/90. Statutory Authority: RCW 43.21A.090. 85-24-019 (Order 85-25), § 173-06-030, filed 11/26/85; Order

DE 75-7, § 173-06-030, filed 5/16/75; Order DE 71-13, § 173-06-030, filed 9/8/71.] Repealed by 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.

173-06-040 Director's powers. [Order DE 71-13, § 173-06-040, filed 9/8/71.] Repealed by 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.

173-06-060 NPDES delegation. [Statutory Authority: RCW 43.21A.090. 79-08-034 (Order DE 79-10), § 173-06-060, filed 7/16/79; Order DE 77-12, § 173-06-060, filed 8/2/77.] Repealed by 80-17-044 (Order DE 80-47), filed 11/19/80. Statutory Authority: RCW 43.21A.090.

173-06-065 NPDES delegation. [Statutory Authority: RCW 43.21A.090. 81-24-033 (Order DE 81-41), § 173-06-065, filed 11/25/81; 81-09-056 (Order DE 81-7), § 173-06-065, filed 4/17/81.] Repealed by 84-20-042 (Order DE 84-39), filed 9/27/84. Statutory Authority: RCW 43.21A.060, 43.21A.080 and 43.21A.090.

WAC 173-06-050 Regulations. Nothing in this chapter shall be construed as a delegation of authority to adopt, amend or repeal any rule or regulation. The power to adopt, amend or repeal rules or regulations rests with the director, or in his absence, the deputy director.

[Order DE 71-13, § 173-06-050, filed 9/8/71.]

WAC 173-06-100 Introduction. Under the provisions of RCW 43.21A.090, the director of ecology may delegate the performance of his or her powers, duties, and functions, other than those relating to the adoption, amendment or rescission of rules and regulations, to employees of the department whenever that appears desirable to fulfill the purposes of the laws implemented by the department.

[Statutory Authority: RCW 43.21A.090. 95-07-058 (Order 94-45), § 173-06-100, filed 3/9/95, effective 4/9/95.]

WAC 173-06-110 Definitions. As used in this chapter:

- (1) "Department" shall mean the department of ecology;
- (2) "Director" shall mean the person bearing such title created pursuant to RCW 43.21A.050. "Deputy director" shall mean the person bearing such title created pursuant to RCW 43.21A.100.

[Statutory Authority: RCW 43.21A.090. 95-07-058 (Order 94-45), § 173-06-110, filed 3/9/95, effective 4/9/95.]

WAC 173-06-120 Delegation. (1) Consistent with their assigned duties and responsibilities, department employees are delegated authority to act on behalf of the director and department in the administration of programs and all other duties assigned to the department.

(2) The department shall, by formal policy, specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take formal action on behalf of the director and/or the department, including, but not limited to, the issuance of penalties, orders, directives, permits, or other decisions reviewable before appropriate administrative or judicial bodies. Such policy may specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take other action on behalf of the director and/or department. Such policies may be amended as appropriate. Copies of this policy shall be available for public review upon request.

(3) For department employees whose assigned duties and responsibilities include authority to approve or deny reports, plans and specifications, or amendments thereto, prepared by a registered professional, such approval or denial must be based on services provided by a similarly registered professional in accordance with state law.

(4) Any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may not delegate any such authority to an employee that he or she supervises unless such additional delegation is provided for in a written delegation letter. The written delegation letter shall be signed by the employee granting delegation and the employee receiving delegation. A department employee receiving such delegation shall not further delegate authority, except as provided in subsection (5) of this section. Each written delegation letter shall also include the position number of the employee receiving delegation. Unless rescinded, authority granted by a written delegation letter remains in effect as long as the employee delegated authority retains the same position number. A copy of each written delegation letter shall be maintained in a file within the department program in which the employee receiving delegation is assigned. Employees granting delegation pursuant to this provision may, upon written notification to the employee receiving delegation, rescind delegation at any time. A copy of each letter rescinding delegation shall be maintained in a file within the department program in which the employee rescinding delegation is assigned. An employee granting delegation pursuant to this paragraph does not relinquish his or her delegated authority to act on the behalf of the director or the department.

(5) In addition to the delegation described in subsection (4) of this section, any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may designate another department employee to serve in a temporary or acting capacity. Any employee properly designated to serve in a temporary or acting capacity shall have the same delegated authority as the department employee permanently holding the position, unless the delegation letter provides otherwise. Proper designation to serve in temporary or acting capacity for a position shall consist of a letter to the individual assuming temporary or acting capacity from the employee who permanently serves in the position or from the director. A department employee receiving such delegation shall not further delegate authority.

(6) During the absence of an employee delegated authority pursuant to this rule, employees responsible for supervising the absent employee may perform the absent employee's delegated functions.

(7) The authority delegated in this rule is limited to the power to act for the department in carrying out functions within the power of the department, and shall not be construed to authorize acts which are contrary to law or beyond the authority of the department.

(8) Nothing in this chapter shall preclude the director from delegating in writing specific signature authority to any employee of the department nor in any way limit the authority of the director to act on behalf of the department.

[Statutory Authority: RCW 34.05.322, 43.21A.080, and 43.21A.090. 03-10-019 (Order 02-18), § 173-06-120, filed 4/28/03, effective 5/29/03. Statutory (2007 Ed.)

Authority: RCW 43.21A.090. 95-07-058 (Order 94-45), § 173-06-120, filed 3/9/95, effective 4/9/95.]

WAC 173-06-130 Director's powers. The director may perform all powers, duties and functions within the authority of the department. The delegations authorized by this chapter shall not preclude the director from exercising any of the powers, duties and functions delegated. In the director's absence, the deputy director may act as director.

[Statutory Authority: RCW 43.21A.090. 95-07-058 (Order 94-45), § 173-06-130, filed 3/9/95, effective 4/9/95.]

Chapter 173-15 WAC

PERMITS FOR OIL OR NATURAL GAS EXPLORATION ACTIVITIES CONDUCTED FROM STATE MARINE WATERS

WAC

173-15-010	Authority and purpose.
173-15-020	Definitions.
173-15-030	Exploration activity permit system.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-15-040	Penalties. [Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138. 84-01-028 (Order DE 83-35), § 173-15-040, filed 12/12/83.] Repealed by 87-16-101 (Order DE 87-09), filed 8/5/87. Statutory Authority: RCW 90.58.200.
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WAC 173-15-010 Authority and purpose. These rules are adopted under RCW 90.58.550(6) for the purpose of establishing the basic requirements for the exploration activity permit system.

[Statutory Authority: RCW 90.58.550(6). 00-16-080 (Order 00-12), § 173-15-010, filed 7/28/00, effective 8/28/00. Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138. 84-01-028 (Order DE 83-35), § 173-15-010, filed 12/12/83.]

WAC 173-15-020 Definitions. The following definitions apply:

(1) "Department" means the department of ecology.

(2) "Exploration activity" means reconnaissance or survey work related to gathering information about geologic features and formations underlying or adjacent to marine waters. Those activities include sonic, ultrasonic, seismic, sparker, side-scan sonar, infrared, heat sensor, chemical analysis (sniffer), or other remote sensing techniques that do not disturb the surface of the aquatic lands, as well as drilling, core sampling, or other exploratory techniques that penetrate the beds underlying or adjacent to marine waters.

(3) "Marine waters" includes the waters of Puget Sound north to the Canadian border, the waters of the Strait of Juan de Fuca, the waters between the western boundary of the state and the ordinary high water mark, and related bays and estuaries. RCW 90.58.550 (1)(b).

(4) "Normal public use of the marine waters of the state" means those activities generally enjoyed by members of the public including, but not limited to, recreation, fishing (commercial and sports), navigation and commerce.

(5) "Vessel" includes ships, boats, barges, or any other floating craft. RCW 90.58.550 (1)(c).

(6) "Director" means the director of the department of ecology.

(7) "Person" means any individual, public or private corporation, agency, or other entity, except for state or federal agencies.

[Statutory Authority: RCW 90.58.550(6), 00-16-080 (Order 00-12), § 173-15-020, filed 7/28/00, effective 8/28/00. Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138, 84-01-028 (Order DE 83-35), § 173-15-020, filed 12/12/83.]

WAC 173-15-030 Exploration activity permit system. The permit system established by RCW 90.58.550 is as follows:

(1) Applicability.

(a) A person who desires to perform oil or natural gas exploration activities by vessel located on or within marine waters of the state shall first obtain a permit from the department.

(b) An exploration activity permit obtained under (a) of this subsection is the sole permit a person is required to obtain for exploration activity under chapter 90.58 RCW.

(c) Except as provided in (b) of this subsection, nothing in this chapter may modify any powers of local governments set forth in chapter 90.58 RCW.

(2) Exploration activity permit application.

(a) Applications for an exploration activity permit must be supplied by the department.

(b) Applications must be filed with the Shorelands and Environmental Assistance Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

(c) No application may be processed until it is deemed complete by the department.

(d) Each application for an exploration activity permit must be accompanied by a completed environmental checklist as provided in Title 197 WAC.

(3) Processing of complete application.

(a) A complete application will be forwarded to state natural resource management agencies and local governments and Indian tribes affected by the proposed exploration activity.

(b) Comments will be requested regarding the proposed exploration activity and its compatibility with the criteria established under RCW 90.58.550(2). Normally, reviewing agencies will be allowed fifteen days from receipt of the application, as provided by the department, in which to submit comments to the department.

(4) Public notice.

(a) Upon receipt of a completed application, the department shall instruct the applicant to publish a notice of the proposed exploration activity.

(b) Notices of the proposed exploration activity must be published in the newspaper of the largest general circulation within each of the counties in which the activity is proposed.

(c) Any person wishing to express views on the proposed exploration activity will be given fifteen days to comment to the department.

(d) All notices of applications for exploration activity permits shall contain, as a minimum, the information called for in the following form:

Notice of Application for
Exploration Activity Permit

Notice is hereby given that (company name or institution) has filed an application for an exploration activity permit for oil and/or natural gas survey and reconnaissance work in (list major bodies of water)

The exploration activity consists of (describe survey gear, vessel, and other equipment in sufficient detail to inform public of the nature of the operation)

The exploration activity is proposed to begin on (date) and end (date).

Any person desiring to express views or to be notified of the action taken on this application should notify the department of ecology in writing of his or her interest within fifteen days of the final date of publication of this notice, which is (date). Written comments should be mailed or delivered to the Washington Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600. (360) 407-6000. Comment period deadline is (date).

(e) The applicant shall provide an affidavit to the department of ecology that the notice has been properly published in accordance with this section.

(5) Public hearing. A public hearing on the proposed exploration activity permit will be held by the department if it determines, upon consideration of factors such as location, timing, duration, method of operation, and public comments, that a hearing would assist it in implementing the intent of RCW 90.58.550(2).

(6) Department exploration activity permit decision.

(a) The department will approve an exploration activity permit application if it determines that the proposed activity meets the criteria set forth in RCW 90.58.550(2). Exploration activities may not:

(i) Interfere materially with the normal public uses of the marine waters of the state;

(ii) Interfere with activities authorized by a permit issued under RCW 90.58.140(2);

(iii) Injure the marine biota or other fish and wildlife, beds, or tidelands of the waters;

(iv) Violate water quality standards established by the department;

(v) Create a public nuisance; or

(vi) Conflict with a shoreline master program approved by the department under RCW 90.58.090 or 90.58.190.

(b) The department, as lead agency, will comply with the provisions of the State Environmental Policy Act as governed by the procedures established under chapter 43.21 RCW and its implementing rules.

(c) No application for an exploration activity permit relating to surface drilling for oil or gas in the waters of Puget Sound north to the Canadian boundary or the Strait of Juan de Fuca seaward of the ordinary high water mark may be approved by the department under this section. RCW 90.58.160.

(7) Exploration activity permit terms and conditions.

(a) The department shall place terms and conditions in the exploration activity permit as necessary to assure that the permitted activity meets the requirements of RCW 90.58.550 (2).

(b) The terms and conditions may include, but are not limited to:

- (i) Geographic limits on the area of operation;
- (ii) Timing of the operation;
- (iii) Limitations on hours of operation;
- (iv) Placement of on-board observers;
- (v) Use of lead boats;
- (vi) Insurance or bond;
- (vii) Fishermen (or other users group) notification procedures; or

(viii) Any combination of the terms and conditions in (b)(i) through (vii) of this subsection.

(8) Modifications of exploration activity permits. When a permittee seeks to modify an exploration activity permit, detailed maps or charts and text describing the nature of the modification must be submitted to the department. Modifications to the permit may be made by the department when the department determines that the changes are of a minor nature.

(9) Request for review. All requests for review of any final permit decision under RCW 90.58.550(2) and these rules are governed by the procedures established in chapter 43.21B RCW and its implementing rules.

[Statutory Authority: RCW 90.58.550(6). 00-16-080 (Order 00-12), § 173-15-030, filed 7/28/00, effective 8/28/00. Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138. 84-01-028 (Order DE 83-35), § 173-15-030, filed 12/12/83.]

Chapter 173-18 WAC

SHORELINE MANAGEMENT ACT—STREAMS AND RIVERS CONSTITUTING SHORELINES OF THE STATE

WAC

173-18-010	Purpose.
173-18-020	Applicability.
173-18-030	Definitions.
173-18-040	Streams and rivers.
173-18-044	Review of designations.
173-18-046	Conflicts between designations and criteria.
173-18-050	Adams County.
173-18-060	Asotin County.
173-18-070	Benton County.
173-18-080	Chelan County.
173-18-090	Clallam County.
173-18-100	Clark County.
173-18-110	Columbia County.
173-18-120	Cowlitz County.
173-18-130	Douglas County.
173-18-140	Ferry County.
173-18-150	Franklin County.
173-18-160	Garfield County.
173-18-170	Grant County.
173-18-180	Grays Harbor County.
173-18-190	Island County.
173-18-200	Jefferson County.
173-18-210	King County.
173-18-220	Kitsap County.
173-18-230	Kittitas County.
173-18-240	Klickitat County.
173-18-250	Lewis County.
173-18-260	Lincoln County.
173-18-270	Mason County.
173-18-280	Okanogan County.
173-18-290	Pacific County.
173-18-300	Pend Oreille County.

173-18-310	Pierce County.
173-18-320	San Juan County.
173-18-330	Skagit County.
173-18-340	Skamania County.
173-18-350	Snohomish County.
173-18-360	Spokane County.
173-18-370	Stevens County.
173-18-380	Thurston County.
173-18-390	Wahkiakum County.
173-18-400	Walla Walla County.
173-18-410	Whatcom County.
173-18-420	Whitman County.
173-18-430	Yakima County.

WAC 173-18-010 Purpose. The department of ecology, pursuant to RCW 90.58.300, is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the streams and rivers and portions thereof which constitute shorelines of the state pursuant to RCW 90.58.030 (2)(d) and (e).

[Order DE 72-13, § 173-18-010, filed 6/30/72.]

WAC 173-18-020 Applicability. The provisions of this chapter shall apply statewide.

[Order DE 72-13, § 173-18-020, filed 6/30/72.]

WAC 173-18-030 Definitions. The definitions and concepts set forth in RCW 90.58.030 shall apply as used herein.

[Order DE 72-13, § 173-18-030, filed 6/30/72.]

WAC 173-18-040 Streams and rivers. The following provisions of this chapter delimit, by county, the streams and rivers which constitute shorelines of the state as follows:

(1) Streams which constitute shorelines.

(a) Western Washington. The following provisions describe the streams in Western Washington from the point at which the stream reaches a mean annual flow of twenty cubic feet per second down to the mouth of said stream or river: Provided, That the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. The following provisions describe the streams in Eastern Washington from the point at which the stream reaches a mean annual flow of twenty cubic feet per second down to the mouth of said stream or river: Provided, That the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(2) Rivers which constitute shorelines of statewide significance.

(a) Western Washington. The following provisions describe the point on those rivers in Western Washington where the mean annual flow reaches one thousand cubic feet per second and lists said river in all counties below said point through which said river passes with a mean annual flow in excess of one thousand cubic feet per second: Provided, That the river falls at said point within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. The following provisions describe either of the following points on those rivers in Eastern Washington, whichever is farther upstream;

(i) The point at which the mean annual flow exceeds two hundred cubic feet per second, or

(ii) The lowest extremity of the first three hundred square miles of drainage area east of the crest of the Cascade

Range; provided that either of said points which is utilized is within the jurisdiction of chapter 90.58 RCW.

(iii) The following provisions additionally list said river in all counties below said point through which said river passes.

(3) Streams or rivers outside the jurisdiction of chapter 90.58 RCW. In those cases where the above described points on streams or rivers fall in geographical areas outside of the jurisdiction of chapter 90.58 RCW. The following provisions list said streams or rivers in all counties downstream from the boundaries of said geographical areas. In such listing, if the body of water is a shoreline of statewide significance below said geographical area, such will be indicated in the description and by asterisk.

(4) Other data.

(a) Wherever a river of statewide significance falls within a county, it is followed by an asterisk.

(b) The following provisions set forth the name of the quadrangle maps where the stream or river is shown. The quadrangle in which the shoreline delimitation begins and the first quadrangle downstream from the county line is underlined. The quadrangle in which the shoreline of statewide significance begins is followed by an asterisk. The size, in minutes, of all quadrangle maps is designated.

(c) Where quadrangle maps are unavailable, photomaps have been used as indicated.

[Order 73-14, § 173-18-040, filed 8/27/73; Order DE 72-13, § 173-18-040, filed 6/30/72.]

WAC 173-18-044 Review of designations. The department shall review all the designations made herein at least once in every five-year period following the effective date of chapter 90.58 RCW or as frequently before then as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-18 WAC in the manner and form prescribed for adopting and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-044, filed 6/30/80.]

WAC 173-18-046 Conflicts between designations and criteria. In the event that any of the designations set forth in this chapter conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-18-040 the criteria shall control. The designation of the stream or river shall be governed by the criteria.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-046, filed 6/30/80.]

WAC 173-18-050 Adams County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Cow Creek*	<u>Karakul Hills</u> * 7 1/2 Marengo 7 1/2 Benge 15 Ritzville S.E. 7 1/2	From mouth of Lugenbeal Creek (Sec.15, T19N, R37E) downstream thru Hallin and Cow lakes, thru Fimmel Lake to mouth on Palouse River (Sec.27, T15N, R37E). This stream has a 300 square mile drainage area ending at mouth of Lugenbeal Creek.

Stream Name	Quadrangle Name and Size	Legal Description
(2) Palouse River*	<u>La Crosse</u> 15 Benge 15 Starbuck 15	From Whitman County line (Sec.24, T16N, R38E) along county line downstream to Franklin County line (Sec.5, T15N, R37E), right shore only. This stream has over 300 sq. miles of drainage area. From Whitman County line (Sec.12, T18N, R38E) downstream back to Whitman County line (Sec.24 & 25, same township). This stream has over 300 square miles of drainage area.
(3) Rock Creek*	<u>Revera</u> 7 1/2	

[Order 73-14, § 173-18-050, filed 8/27/73; Order DE 72-13, § 173-18-050, filed 6/30/72.]

WAC 173-18-060 Asotin County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Asotin Creek (S. Fork)	<u>Harlow Ridge</u> 7 1/2 Potter Hill 7 1/2	From the confluence of the South Fork Asotin Creek and the Alder Gulch Stream (Sec.34, T9N, R44E) downstream to mouth at Asotin Creek (Sec.10, same township).
(2) Asotin Creek*	<u>Potter Hill</u> 7 1/2 Rock Pile Creek 7 1/2 Asotin 7 1/2	From the confluence of North and South Forks of Asotin Creek (Sec.10, T9N, R44E) downstream to mouth on Snake River near Asotin (Sec.16, T10N, R46E). This stream has a 300 square mile drainage area ending at mouth of George Creek (Sec.24, T10N, R45E).
(3) Asotin Creek (N. Fork)	<u>Harlow Ridge</u> 7 1/2 Potter Hill 7 1/2	From the Umatilla National Forest boundary (Sec.19, T9N, R44E) downstream to mouth at Asotin Creek (Sec.10, same township).
(4) George Creek	<u>Asotin</u> 7 1/2	From the confluence of George Creek and Pintler Creek (Sec.36, T10N, R45E) downstream to mouth at Asotin Creek (Sec.24, same township).
(5) Grand Ronde River*	<u>Mountain View</u> 7 1/2 Fields Spring 7 1/2 Black Butte 7 1/2 Flora 7 1/2	From the Washington-Oregon boundary (Sec.14, T6N, R43E) downstream to mouth at Snake River and Washington - Idaho boundary line (Sec.13, T7N, R46E). This stream has over 300 square miles of drainage area.
(6) Joseph Creek	<u>Black Butte</u> 7 1/2	From the Oregon-Washington state line (Sec.18, T6N, R46E) downstream to its mouth at Grande Ronde River (Sec.26, T7N, R46E).
(7) Snake River*	<u>Jim Creek</u> <u>Butte</u> 7 1/2 Limekiln Rapids 7 1/2 Captain John Rapids 7 1/2 Lewiston Orchards S. 7 1/2 Asotin 7 1/2 Clarkston 7 1/2 Silcott 7 1/2	From Washington - Oregon boundary (Sec.16, T6N, R47E) downstream to Garfield County line (Sec.6, T11N, R45E), left bank only. This stream has both over 300 square miles of drainage area and over 200 cfs MAF at Washington-Oregon boundary.

[Order DE 76-14, § 173-18-060, filed 5/3/76; Order 73-14, § 173-18-060, filed 8/27/73; Order DE 72-13, § 173-18-060, filed 6/30/72.]

WAC 173-18-070 Benton County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*	<u>Priest Rapids</u> 15 Richland 15 Eltopia 15	From the Yakima County line (Sec.7, T13N, R24E) downstream right bank only, to Hanford works boundary (Sec.9, same township), plus the right bank within Richland city limits (T10N, R28E; T9N, R28E; T9N, R29E). This stream has over 200 cfs MAF at Yakima County line.	(4) Entiat River*	<u>Brief*</u> 7 1/2 Tyee MTN 7 1/2 Baldy MTN 7 1/2 Ardenvoir 7 1/2 Entiat 7 1/2	From the Wenatchee National Forest boundary (Sec.29, T28N, R19E) downstream (excluding all federal properties) to mouth at the Columbia River (Sec.17, T25N, R21E). The 200 cfs MAF point begins at Wenatchee National Forest boundary.
(2) Glade Creek*	<u>Blalock Island*</u> 7 1/2	From mouth of East Fork Glade Creek (Sec.6, T5N, R25E) downstream to mouth on Columbia River (Sec.28, same township). This stream has a 300 square mile drainage area ending at East Branch Glade Creek.	(5) Icicle Creek*	<u>Chiwaukum Mts.</u> 15 Leavenworth 15	From the Wenatchee National Forest boundary (west section line) (Sec.5, T24N, R16E) downstream to mouth at Wenatchee River (Sec.13, T24N, R17E) (excluding federal land). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(3) Yakima River (Cont.)*	<u>Prosser</u> 7 1/2 <u>Whitstran</u> 7 1/2 <u>Corral Canyon</u> 15 Richland 15 Badger Mtn. 7 1/2 Eltopia 7 1/2	From Benton-Yakima County line (Sec.7, T8N, R24E) down-stream to mouth on Columbia River (Sec.19, T9N, R29E). The flow exceeds 200 cfs MAF at Benton-Yakima County line.	(6) Little Wenatchee River*	<u>Wenatchee Lake*</u> 15	From confluence with Soda Creek (Sec.10, T27N, R15E) downstream to mouth on Wenatchee Lake (Sec.23, T27N, R16E). Exclude federal lands. The 200 cfs point begins at confluence with Soda Creek.

[Order 73-14, § 173-18-070, filed 8/27/73; Order DE 72-13, § 173-18-070, filed 6/30/72.]

WAC 173-18-080 Chelan County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Chelan River*	<u>Wenatchee (AMS)*</u> 1:250,000 <u>Manson</u> 7 1/2 Winesap 7 1/2 Cooper Ridge 7 1/2 Chelan 7 1/2 Chelan Falls 7 1/2	From the Lake Chelan Dam (Sec.13, T27N, R22E) downstream to Chelan Falls at mouth at Columbia River (Sec.29, T27N, R23E). The 200 cfs MAF point begins at the dam.	(8) Mission Creek	<u>Monitor</u> 7 1/2 Cashmere 7 1/2	From the confluence of Mission Creek and Bear Gulch (Sec.31, T23N, R19E) downstream to mouth at Wenatchee River (Sec.4, T23N, R19E).
(2) Chiwawa River*	<u>Holden</u> 15 Wenatchee Lake 15 Plain* 7 1/2	From Wenatchee National Forest boundary (NW1/4 Sec.27, T30N, R16E) downstream to mouth at Wenatchee River, (Sec.1, T26N, R17E) (excluding federal lands). The 200 cfs MAF point begins at (SW1/4, NE1/4 Sec.20, T28N, R17E).	(9) Napeequa River	<u>Wenatchee Lake</u> 15	From confluence of Twin Lakes Cr. and Napeequa River (Sec.17, T28N, R16E) downstream to mouth at White River (Sec.18, same township).
(3) Columbia River (Cont.)*	<u>Wells Dam</u> 7 1/2 Wenatchee 7 1/2 Rock Island 7 1/2 Malaga 7 1/2 Rock Island Dam 7 1/2	From the Okanogan County line on the Columbia River (Sec.6, T28N, R24E) downstream along the Douglas/Chelan County line to Kittitas County (Sec.5, T20N, R22E). The flow exceeds 200 cfs MAF at Okanogan-Chelan County line.	(10) Nason Creek*	<u>Labyrinth Mtn.*</u> 7 1/2 Wenatchee Lake 15 Plain 7 1/2	From west section line (Sec.5, T26N, R15E) downstream to mouth at Wenatchee River (Sec.28, T27N, R17E). Exclude federal lands. The 200 cfs MAF point is at confluence with Roaring Creek (Sec.11, T26N, R16E).
			(11) Peshastin Creek	<u>Liberty</u> 15 Leavenworth 15	From the Wenatchee National Forest boundary (Sec.25, T23N, R17E) downstream (excluding all federal lands) to mouth at Wenatchee River (Sec.22, T24N, R18E).
			(12) Stehekin River*	<u>McGregor Mtn.</u> 7 1/2 Stehekin 7 1/2	From the North Cascades National Park boundary (Sec.11, T33N, R16E) downstream, excluding federal lands, to mouth on Lake Chelan (Sec.36, T33N, R17E). The 200 cfs MAF point begins at National Park boundary.

WAC 173-18-090 Clallam County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(13) Wenatchee River*	<u>Plain</u> * 7 1/2 Leavenworth 15 Monitor 7 1/2 Wenatchee 7 1/2 Cashmere 7 1/2	From the outlet on Wenatchee Lake (Sec.28, T27N, R17E) downstream (excluding all federal lands) to the mouth at the Columbia River (Sec.27, T23N, R20E). The 200 cfs MAF point begins at gauging station (Sec.28, T27N, R17E).	(1) Big River	<u>Lake Pleasant</u> 15	From the confluence of Big River and unnamed creek (Sec.16, T31N, R14W) downstream to mouth on Lake Ozette (Sec.10, T30N, R15W).
(14) White River*	<u>Wenatchee Lake</u> * 15	From Wenatchee National Forest boundary (Sec.18, T28N, R16E) downstream to mouth at Wenatchee Lake (Sec.14, T27N, R16E). Exclude federal land. The 200 cfs MAF point is at gauging station (Sec.5, T27N, R16E).	(2) Bear Creek	<u>Forks</u> 15	From the confluence of Bear Creek and unnamed creek (Sec.24, T28N, R13W) downstream to mouth at Bogachiel River (Sec.35, T28N, R13W).
(15) Railroad Creek	<u>Holden</u> 15 Lucerne 15	From Wenatchee National Forest boundary (Sec.7, T31N, R17E) downstream, excluding federal lands, to mouth at Lake Chelan (Sec.10, T31N, R18E).	(3) Bear Creek	<u>Pysht</u> 15	From the Olympic National Forest boundary (Sec.25, T30N, R12W) downstream to mouth at Soleduck River (Sec.27, same township).
(16) Twenty-five Mile Creek	<u>Stormy Mtn.</u> 7 1/2	From south section line (Sec.36, T29N, R20E) downstream to mouth at Lake Chelan (Sec.19, T29N, R21E).	(4) Beaver Creek	<u>Lake Pleasant</u> 15	From the Olympic National Forest boundary (Sec.20, T30N, R12W) downstream to mouth at Soleduck River (Sec.30, T30N, R12W).
(17) Phelps Creek	<u>Holden</u> 15	From NE1/4 of SW1/4 (Sec.10, T30N, R16E) downstream to mouth Chiwawa River (Sec.27, same township). Exclude federal lands.	(5) Bockman Creek	<u>Lake Pleasant</u> 15	From the Olympic National Forest boundary (Sec.1, T29N, R13W) downstream to mouth at Soleduck River (same section).
(18) White-pine Creek	<u>Wenatchee Lake</u> 15	From south section line (Sec.11, T26N, R15E) downstream to mouth at Nason Creek (Sec.1, same township). Exclude federal lands.	(6) Bogachiel River (Cont.)*	<u>Reade Hill</u> 7 1/2 Forks 7 1/2 Quillayute Prairie 7 1/2	From the Jefferson County line (Sec.35, T28N, R13W) downstream to mouth at Quillayute River (Sec.20, T28N, R14W). The flow exceeds 1,000 cfs MAF at Jefferson County line.
(19) Chiwaukum Creek	<u>Chiwaukum Mts.</u> 15 Leavenworth 15	From confluence with South Fork Chiwaukum (Sec.34, T26N, R16E) downstream to mouth at Wenatchee River (Sec.9, T25N, R17E). Exclude federal lands.	(7) Calawah River*	<u>Forks</u> * 15	From confluence of North and South Forks of Calawah River (Sec.35, T29N, R13W) downstream to mouth at Bogachiel River (Sec.13, T28N, R14W). The 1,000 cfs MAF point begins at confluence of North and South Forks.
(20) Chiwaukum Creek (S. Fork)	<u>Chiwaukum Mts.</u> 15	From confluence with Painter Creek (Sec.3, T25N, R16E) downstream to mouth at Chiwaukum Creek (Sec.34, T26N, R16E). Exclude federal lands.	(8) Calawah River (S. Fork)	<u>Forks</u> 15	From the Olympic National Forest boundary (Sec.1, T28N, R13W) downstream to mouth at Calawah River (Sec.35, T29N, R13W).
(21) Eight-mile Creek	<u>Chiwaukum Mts.</u> 15	From the west section line (Sec.25, T24N, R16E) downstream to Icicle Cr. (Sec.19, T24N, R17E). Exclude federal lands.	(9) Calawah River (N. Fork)	<u>Pysht</u> 15 Lake Pleasant 15 Forks 15	From the North section line (Sec.15, T29N, R11W) to mouth at Calawah River (Sec.35, T29N, R13W). Exclude federal lands.
(22) Ingalls Creek	<u>Mount Stuart</u> 15 Liberty 15	From west section line (Sec.31, T23N, R17E) downstream to mouth at Peshastin Creek (Sec.25, T23N, R17E). Exclude federal lands.	(10) Clallam River	<u>Lake Pleasant</u> 15 Pysht 15 Clallam Bay 15	From the confluence of Clallam River and unnamed creek (Sec.12, T31N, R13W) downstream to mouth at Clallam Bay (Sec.20, T32N, R12W).
			(11) Colby Creek	<u>La Push</u> 15	From the intersection of private road and Colby Creek (Sec.8, T28N, R14W) downstream to mouth at Dickey River (Sec.6, T28N, R14W).
			(12) Coal Creek	<u>La Push</u> 15	From the confluence of Coal Creek and unnamed creek (Sec.1, T28N, R15W) downstream to mouth at Dickey River (Sec.12, same township).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-080, filed 6/30/80; Order DE 76-14, § 173-18-080, filed 5/3/76; Order 73-14, § 173-18-080, filed 8/27/73; Order DE 72-13, § 173-18-080, filed 6/30/72.]

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(13) Crooked Creek	<u>Ozette Lake</u> 15	From the confluence of the North Fork and the South Fork (Sec.19, T30N, R14W) downstream to mouth at Ozette Lake (Sec.15, T30N, R15W).	(25) Indian Creek	<u>Joyce</u> 15	From the confluence of Indian Creek and unnamed creek (Sec.23, T30N, R8W) downstream to mouth at Lake Aldwell (Sec.28, T30N, R7W).
(14) Dickey River	<u>La Push</u> 15	From the confluence of East and West Forks of Dickey River (Sec.30, T29N, R14W) downstream to Olympic National Park boundary (Sec.22, T28N, R15W).	(26) Little Hoko River	<u>Lake Pleasant</u> 15 Clallam Bay 15	From the confluence of Little Hoko River and Lamb Creek (Sec.3, T31N, R13W) downstream to mouth at Hoko River (Sec.22, T32N, R13W).
(15) Dickey River (W. Fork)	<u>La Push</u> 15 <u>Ozette Lake</u> 15	From the outlet of Lake Dickey (Sec.16, T30N, R14W) downstream to mouth at Dickey River (Sec.30, T29N, R14W).	(27) Little River (S. Br.)	<u>Joyce</u> 15	From the Olympic National Forest boundary (Sec.25, T30N, R7W) downstream to mouth at Elwha River (Sec. 28, same township). Excluding federal lands.
(16) Dickey River (E. Fork)	<u>Lake Pleasant</u> 15 <u>Ozette Lake</u> 15	From the confluence of the East Fork Dickey River and unnamed creek (Sec.19, T30N, R13W) downstream to mouth at Dickey River (Sec.30, T29N, R14W).	(28) Lyre River	<u>Lake Crescent</u> 15	From the Olympic National Forest boundary (Sec.10, T30N, R9W) downstream to mouth at Strait of Juan de Fuca (Sec.22, T31N, R9W).
(17) Dickey River (M. Fork)	<u>Lake Pleasant</u> 15	From the confluence of the Middle Fork Dickey River and unnamed creek (Sec.14, T30N, R14W) downstream to mouth at West Fork Dickey River (Sec.21, same township).	(29) Maxfield Creek	<u>Forks</u> 15	From the confluence of Maxfield Creek and South Fork Maxfield Creek (Sec.27, T28N, R14W) downstream to mouth at Bogachiel River (Sec.28, same township).
(18) Deep Creek	<u>Pysht</u> 15	From the Olympic National Forest boundary (Sec.36, T31N, R11W) downstream to mouth at Strait of Juan de Fuca (Sec.20, T31N, R10W).	(30) McDonald Creek	<u>Carlsborg</u> 7 1/2 <u>Dungeness</u> 7 1/2	From the confluence of McDonald Creek and unnamed creek (Sec.6, T29N, R4W) downstream to mouth at Strait of Juan de Fuca (Sec.5, T30N, R4W).
(19) Dungeness River	<u>Tyler Peak</u> 15 <u>Carlsborg</u> 7 1/2 <u>Dungeness</u> 7 1/2	From the Olympic National Forest boundary (Sec.24, T29N, R4W) downstream to mouth at Dungeness Bay (Sec.25, T31N, R4W).	(31) Murphy Creek	<u>La Push</u> 15	From the confluence of Murphy Creek and unnamed creek (Sec.33, T28N, R14W) downstream to mouth at Bogachiel River (Sec.29, same township).
(20) East Twin River	<u>Lake Crescent</u> 15	From the confluence of East Twin River and unnamed creek at Olympic National Forest boundary (Sec.36, T31N, R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23, same township).	(32) Pilchuck Creek	<u>Ozette Lake</u> 15	From a point (SW1/4 of NE1/4 Sec.33, T32N, R15W) downstream to mouth at Sooes River (Sec.28, same township).
(21) Elk Creek	<u>Forks</u> 15	From a point approximately 1000' west of the Olympic National Forest boundary (Sec.12, T28N, R13W) downstream to mouth at Calawah River (Sec.3, same township).	(33) Morse Park	<u>Morse Creek</u> 7 1/2	From Olympic National Park boundary (Sec.8, T29N, R5W) downstream to mouth at Port Angeles Harbor (Sec.5, T30N, R5W).
(22) Elwha River*	<u>Joyce</u> * 15	From the center of (Sec.28, T30N, R7W) downstream to mouth at Freshwater Bay (Sec.27, T31N, R7W). The 1,000 cfs MAF point begins at center of (Sec.28, T30N, R7W).	(34) Ponds Creek	<u>Lake Pleasant</u> 15	From the confluence of Ponds Creek and unnamed creek on the south section line (Sec.34, T31N, R14W) downstream to mouth at Dickey Lake (Sec.9, T30N, R14W).
(23) Herman Creek	<u>Lake Pleasant</u> 15	From the confluence of North Branch Herman Creek and Herman Creek (Sec.28, T31N, R13W) downstream to mouth at Hoko River (Sec.30, same township).	(35) Pysht River	<u>Pysht</u> 15	From the Olympic National Forest boundary (Sec.34, T31N, R12W) downstream to mouth at Strait of Juan de Fuca near Pysht (Sec.9, T31N, R11W).
(24) Hoko River	<u>Lake Pleasant</u> 15 Clallam Bay 15	From the confluence of Hoko River and unnamed creek (Sec.16, T30N, R13W) downstream to mouth at Strait of Juan de Fuca (Sec.10, T32N, R13W).	(36) Pysht River (S. Fk.)	<u>Pysht</u> 15	From the confluence of the South Fork Pysht River and Middle Creek (Sec.28, T31N, R11W) downstream to mouth at Pysht River (Sec.13, T31N, R12W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(37) Quillayute River*	<u>La Push</u> * 15	From confluence of Soleduck and Bogachiel rivers (Sec.20, T28N, R14W) downstream to Olympic National Park boundary (Sec.24, T28N, R15W). The 1,000 cfs MAF point begins at confluence of Soleduck River and Bogachiel River.	(47) Thunder Creek	<u>Lake Pleasant</u> 15	From the confluence of Thunder Creek and unnamed creek (Sec.11, T29N,R14W) downstream to mouth at East Fork Dickey River (Sec.23, same township).
(38) Salt Creek	<u>Joyce</u> 15	From the confluence of Salt Creek and unnamed creek (SE1/4, SE1/4 of Sec.34, T31N, R8W) downstream to mouth at Crescent Bay on Strait of Juan de Fuca (Sec.21, same township).	(48) Umbrella Creek	<u>Ozette Lake</u> 15	From the confluence of Umbrella Creek and unnamed creek (Sec.23, T31N,R15W) downstream to mouth at Umbrella Point on Lake Ozette (Sec.4, T30N,R15W).
(39) Sekiu River (S. Fk.)	<u>Lake Pleasant</u> 15	From the confluence of the South Fork Sekiu River and unnamed creek (Sec.26, T32N, R14W) downstream to mouth at Sekiu River (Sec.15, same township).	(49) West Twin River	<u>Lake Crescent</u> 15	From the Olympic National Forest boundary (Sec.34, T31N, R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23, T31N, R10W).
(40) Sekiu River (N. Fk.)	<u>Cape Flattery</u> 15	From the confluence of North Fork Sekiu River and unnamed creek (Sec.7, T32N, R14W) downstream to mouth at Sekiu River (Sec.15, same township).	[Statutory Authority: RCW 90.58.200. 90-06-068 (Order 89-60), § 173-18-090, filed 3/6/90, effective 4/6/90; Order DE 76-14, § 173-18-090, filed 5/3/76; Order 73-14, § 173-18-090, filed 8/27/73; Order DE 72-13, § 173-18-090, filed 6/30/72.]		
(41) Sekiu River	<u>Clallam Bay</u> 15	From confluence of North and South Forks of Sekiu River (Sec.15, T32N, R14W) downstream to mouth on Strait of Juan de Fuca (Sec.8, T32N, R13W).	WAC 173-18-100 Clark County. Streams		
(42) Shuwah Creek	<u>Lake Pleasant</u> 15	From the confluence of Shuwah Creek and unnamed creek (NW1/4 SW1/4 of Sec.15, T29N, R13W) downstream to mouth at Soleduck River (Sec.22, same township).	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(43) Skunk Creek	<u>Lake Pleasant</u> 15	From the confluence of Skunk Creek and unnamed creek (Sec.29, T30N, R13W) downstream to mouth at the Dickey River (Sec.31, T39N, R13W).	(1) Big Tree Creek	<u>Yacolt</u> 15 Yacolt 7 1/2	From the confluence of Big Tree Creek and Big Creek (Sec.6, T4N, R4E) downstream to mouth at East Fork Lewis River (Sec.13, T4N, R3E).
(44) Snag Creek	<u>Ozette Lake</u> 15	From the confluence of Snag Creek and unnamed creek (Sec.6, T31N, R14W) downstream to mouth at Sooes River (Sec.30, T32N, R14W).	(2) Boulder Creek	<u>Camas</u> 15	From the confluence of Boulder Creek and unnamed creek (Sec.9, T2N, R4E) downstream to confluence of Boulder Creek and East Fork Little Washougal River (Sec.8, same township).
(45) Soleduck River*	<u>Pysht</u> 15 <u>Lake Pleasant</u> * 15 <u>Forks</u> 15 <u>La Push</u> 15	From the Olympic National Forest boundary (Sec.35, T30N, R10W) downstream to mouth at Quillayute River (Sec.20, T28N, R14W). The 1,000 cfs MAF point begins at mouth of Bockman Creek (Sec.1, T29N, R13W). Excludes federal lands.	(3) Burnt Bridge Creek	<u>Orchards</u> 7 1/2 <u>Vancouver</u> 7 1/2	From I-205 overcrossing (Sec.16, T2N, R2E) and Burnt Bridge Creek downstream to Vancouver Lake (Sec.9, T2N, R1E).
(46) Sooes River	<u>Ozette Lake</u> 15 <u>Cape Flattery</u> 15	From the confluence of Snag Creek and Sooes River (Sec.30, T32N, R14W) downstream to Indian Reservation boundary (Sec.16, T32N, R15W).	(4) Canyon Creek	<u>Lookout Mt.</u> 15 <u>Yacolt</u> 15	From the National Forest boundary line (Sec.12, T5N, R4E) downstream to mouth at Lewis River (Sec.31, T6N, R4E) excluding the portion which flows thru Gifford Pinchot National Forest.
			(5) Cedar Creek	<u>Yacolt</u> 15	From the confluence of Cedar Creek and Cold Creek (Sec.8, T3N, R4E) downstream to mouth at Rock Creek (Sec.31, T4N, R4E).
			(6) Cedar Creek	<u>Amboy</u> 7 1/2 <u>Yacolt</u> 7 1/2 <u>Ariel</u> 7 1/2	From the confluence of Cedar Creek and unnamed creek (Sec.24, T5N, R3E) downstream to mouth at Lewis River (Sec.12, T5N, R1E).
			(7) Chelatchie Creek	<u>Amboy</u> 7 1/2	From an approximate point along the south section line (SE1/4 of NW1/4 of Sec.14, T5N, R3E) downstream to mouth at Cedar Creek (Sec.16, same township).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(8) Columbia River (Cont.)*	<u>Bridal Veil</u> 15 Washougal 7 1/2 Camas 7 1/2 Mount Tabor 7 1/2 Portland 7 1/2 Vancouver 7 1/2 Sauvie Island 7 1/2 St. Helens 7 1/2	From the Skamania County line on Columbia River (Sec. 19, T1N, R5E) downstream along the Washington-Oregon boundary to Cowlitz County line at Lewis River (Sec.10, T4N, R1W). The flow exceeds 1,000 cfs MAF at Skamania-Clark County line.	(20) Little Washougal River (E. Fk.)	<u>Camas</u> 15	From the confluence of East Fork Little Washougal River and Jones Creek (Sec.9, T2N, R4E) downstream to mouth at confluence with Boulder Creek (Sec.8, T2N, R4E).
(9) Lewis River*	<u>Mt. St. Helens</u> 15 Cougar 15 Yacolt 15 Amboy 7 1/2 Ariel 7 1/2 Woodland 7 1/2 Ridgefield 7 1/2 St. Helens 7 1/2	From the Skamania County line (Sec.36, T7N, R4E) left bank only downstream to mouth at Columbia River (Sec.2, T4N, R1W). The flow exceeds 1,000 cfs MAF at Skamania-Clark County line.	(21) Lockwood Creek	<u>Ridgefield</u> 7 1/2	From the confluence of Lockwood Creek and unnamed creek (Sec.1, T4N, R1E) downstream to mouth at East Fork Lewis River (Sec.11, same township).
(10) Copper Creek	<u>Lookout Mtn.</u> 15 Yacolt 15	From the Gifford Pinchot National Forest boundary (Sec.25, T4N, R4E) downstream to mouth at Lewis River East Fork (Sec.24, same township).	(22) Mason Creek	<u>Battle Ground</u> 7 1/2	From the confluence of Mason Creek and unnamed creek (Sec.8, T4N, R2E) downstream to mouth at East Fork Lewis River (Sec.14, T4N, R1E).
(11) Fifth Plain Creek	<u>Lackamas</u> 7 1/2	From the confluence of Fifth Plain Creek and Shanghai Creek (Sec.6, T2N, R3E) downstream to mouth at Lackamas Creek (Sec.7, same township).	(23) Matney Creek	<u>Camas</u> 15 Lackamas 7 1/2	From the confluence of Matney Creek and unnamed creek (Sec.15, T2N, R3E) downstream to mouth at Lackamas Creek (Sec.9, same township).
(12) Fly Creek	<u>Yacolt</u> 15	From the confluence of Fly Creek and unnamed creek (Sec.1, T4N, R4E) downstream to mouth at Canyon Creek (Sec.4, T5N, R4E).	(24) Mill Creek	<u>Battle Ground</u> 7 1/2 Orchards 7 1/2 Vancouver 7 1/2	From the confluence of Mill Creek and unnamed creek (SW1/4 Sec.7, T3N, R2E) downstream to mouth at Salmon Creek (Sec.24, T3N, R1E).
(13) Gee Creek	<u>Ridgefield</u> 7 1/2	From the confluence of Gee Creek and unnamed creek (Sec.19, T4N, R1E) downstream to mouth at Lewis River (Sec.11, T4N, R1W).	(25) Morgan Creek	<u>Yacolt</u> 7 1/2 Battle Ground 7 1/2	From an approximate point (SE1/4 of Sec.12, T3N, R2E) downstream to mouth at Salmon Creek (Sec.12, same township).
(14) Glenwood Creek	<u>Orchards</u> 7 1/2	From the intersection of Glenwood Creek and NE 119th St. (Sec.29, T3N, R2E) downstream to Salmon Creek (Sec.20, same township).	(26) North Siouxon Creek	<u>Lookout Mt.</u> 15 Yacolt 15	From the Skamania County line (Sec.25, T6N, R4E) downstream to mouth at Siouxon Creek (Sec.25, same township).
(15) Hagan Creek	<u>Camas</u> 15 Bridal Veil 15	From the confluence of Hagan Creek and unnamed creek (Sec.36, T3N, R4E) downstream to Skamania County line (Sec.1, T2N, R4E).	(27) Rock Creek	<u>Yacolt</u> 15	From an approximate point on the north section line (SE1/4 of NW1/4 of Sec.33, T4N, R3E) downstream to mouth on Salmon Creek (Sec.4, T3N, R3E).
(16) King Creek	<u>Yacolt</u> 15	From the confluence of King Creek and unnamed creek (Sec.26, T4N, R4E) downstream to mouth at Lewis River East Fork (Sec.21, same township).	(28) Rock Creek	<u>Battle Ground</u> 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.2, T4N, R2E) downstream to mouth on East Fork Lewis River (Sec.14, same township).
(17) Lackamas Creek	<u>Camas</u> 15 Lackamas 7 1/2	From the Military Reservation boundary (Sec.9, T2N, R3E) downstream through Lackamas Lake to Washougal River near Camas (Sec.12, T1N, R3E).	(29) Rock Creek	<u>Yacolt</u> 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.9, T3N, R4E) downstream to mouth at East Fork Lewis River (Sec.19, T4N, R4E).
(18) Lewis River (E. Fk.)*	<u>Lookout Mt.</u> 15 Yacolt 15 Battle Ground 7 1/2 Ridgefield* 7 1/2 Yacolt 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.24, T4N, R4E) downstream to mouth at Lewis River (Sec.32, T5N, R1E) The 1,000 cfs MAF begins at the mouth of Mason Creek. (Sec.14, T4N, R1E.)	(30) Salmon Creek	<u>Yacolt</u> 7 1/2 LaCenter 15 Orchards 7 1/2 Vancouver 7 1/2	From the confluence of Salmon Creek and unnamed creek (NW1/4 of Sec.10, T3N, R3E) downstream to mouth at Lake River (Sec.19, T3N, R1E).
(19) Little Washougal River	<u>Camas</u> 15	From the confluence of Boulder Creek and East Fork Little Washougal River (Sec.8, T2N, R4E) downstream to mouth on Washougal River (Sec.32, same township).	(31) Siouxon Creek (Cont.)	<u>Lookout Mtn.</u> 15 Yacolt 15	From the Skamania County line (Sec.36, T6N, R4E) downstream to mouth in Yale Lake (Sec.26, same township).
			(32) Unnamed Creek (Tributary to Chelatchie Creek)	<u>Amboy</u> 7 1/2	From intersection of Eaton Road and unnamed creek (Sec.15, T5N, R3E) downstream to mouth at Chelatchie Creek (Sec.16 same township).
			(33) Washougal River (Cont.)*	<u>Bridal Veil</u> 15 Washougal* 7 1/2 Camas 7 1/2	From the Skamania County line (Sec.36, T2N, R4E) downstream to mouth at Columbia River near Camas (Sec.11, T1N, R3E). The 1,000 cfs MAF begins at mouth of Little Washougal River (Sec.32, T2N, R4E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(34) Yacolt Creek	<u>Yacolt</u> 7 1/2	From an approximate point (near SE corner of the NE1/4 of NW1/4 Sec.11, T4N, R3E) downstream to mouth at Big Tree Creek (Sec.13, T4N, R3E).

[Order DE 76-14, § 173-18-100, filed 5/3/76; Order 73-14, § 173-18-100,
filed 8/27/73; Order DE 72-13, § 173-18-100, filed 6/30/72.]

WAC 173-18-110 Columbia County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Pataha Creek (Cont.)	<u>Hay</u> 15	From the Garfield County line (Sec.12, T12N, R39E) downstream to mouth at Tucannon River (Sec.24, T12N, R38E).
(2) Tucannon River*	<u>Pomeroy</u> 30 Hopkins Ridge 7 1/2 Zumwalt 7 1/2 Turner 7 1/2 Tucannon 7 1/2 Hay* 15 Starbuck 15	From the Umatilla National Forest boundary line (Sec.35, T10N, R41E) downstream to mouth at Snake River (Sec.3, T12N, R37E). This stream has over 300 square miles of drainage area ending at Pataha Creek (Sec.24, T12N, R38E).
(3) Touchet River (S. Fk.)	<u>Pomeroy</u> 30 Robinette Mtn. 7 1/2 Dayton 7 1/2	From a point of (SE1/4 of NE1/4 of Sec.5, T8N, R39E) downstream to mouth at Touchet River near Dayton (Sec.32, T10N, R39E).
(4) Touchet River (N. Fk.)	<u>Pomeroy</u> 30 Eckler Mtn. 7 1/2 Cahill Mtn. 7 1/2 Dayton 7 1/2	From the confluence of the North Fork Touchet River and unnamed creek (Sec.28, T8N, R40E) downstream to Touchet River near Dayton (Sec.32, T10N, R39E) (Note: called North Fork on Quad.) Excluding all federal lands.
(5) Touchet River	<u>Pomeroy</u> 30 Walla Walla 30 Dayton 7 1/2 Huntsville 7 1/2	From the confluence of North and South Forks of Touchet River (Sec.32, T10N, R39E) downstream to Walla Walla County line (Sec.7, T9N, R38E).
(6) Robinson Creek	<u>Dayton</u> 7 1/2	From north line (Sec.23, T9N, R39E) downstream to mouth at North Fork Touchet River (Sec.11, same township).

[Order DE 76-14, § 173-18-110, filed 5/3/76; Order 73-14, § 173-18-110,
filed 8/27/73; Order DE 72-13, § 173-18-110, filed 6/30/72.]

WAC 173-18-120 Cowlitz County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Abernathy Creek	<u>Ryderwood</u> 15 <u>Clatskanie</u> 15	From the confluence of Abernathy Creek and Ordway Creek (Sec.5, T9N, R4W) down- stream to mouth at Columbia River (Sec.10, T8N, R4W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(2) Alder Creek	<u>Toutle</u> 15	From the confluence of Alder Creek and unnamed creek (Sec.26, T10N, R2E) down- stream to mouth at North Fork Toutle River (Sec.15, same town- ship).
(3) Arkansas Creek	<u>Ryderwood</u> 15	From the confluence of Arkansas Creek and unnamed creek (NE1/4 Sec.26, T10N, R3W) downstream to mouth at Cowlitz River near Cas- tle Rock (Sec.15, T9N, R2W).
(4) Baird Creek	<u>Pigeon Springs</u> 15	From an approximate point (SW1/4 of SW1/4 of SW1/4 of Sec.9, T8N, R2E) downstream to mouth at Coweeman River (Sec.19, same township).
(5) Bear Creek	<u>Cougar</u> 15	From the confluence of Bear Creek and unnamed creek (Sec.9, T8N, R3E) downstream to South Fork Toutle River (Sec.29, T9N, R3E).
(6) Bear Creek	<u>Elk Rock</u> 15 <u>Toutle</u> 15	From the intersection of Bear Creek and light duty road (Sec.33, T10N, R3E) down- stream to mouth at Hoffstadt Creek (Sec.23, T10N, R2E).
(7) Cameron Creek	<u>Clatskanie</u> 15	From the confluence of Cameron Creek and unnamed creek (Sec.28, T9N, R4W) down- stream to mouth at Abernathy Creek (Sec.10, T8N, R4W).
(8) Campbell Creek	<u>Ryderwood</u> 15	From an approximate point near the north sec- tion line (SW1/4 of NE1/4 of Sec.10, T10N, R3W) downstream to mouth at Stillwater Creek (Sec.3, same township).
(9) Castle Creek	<u>Elk Rock</u> 15	From the confluence of Castle Creek and the South Fork Castle Creek (Sec.14, T9N, R4E) downstream to mouth at North Fork Toutle River (Sec.10, same township).
(10) Chehalis River (S. Fk.)	<u>Ryderwood</u> 15	From the confluence of South Fork Chehalis River and unnamed creek (Sec.11, T10N, R4W) downstream to the Lewis County line (Sec.2, same township).
(11) Coal Creek	<u>Clatskanie</u> 15	From the confluence of Coal Creek and unnamed creek (Sec.28, T9N, R3W) down- stream to mouth at Coal Creek Slough (Sec.14, T8N, R3W).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(12) Coldwater Creek (Cont.)	<u>Spirit Lake</u> 15	From the Gifford Pinchot National Forest boundary (also Skamania County line) (Sec.36, T10N, R4E) downstream to mouth at North Fork Toutle River (Sec.2, T9N, R4E).	(22) Germany Creek	<u>Ryderwood</u> 15 Clatskanie 15	From the confluence of Germany Creek and unnamed creek (Sec.25, T10N, R4W) downstream to mouth at Columbia River (Sec.12, T8N, R4W).
(13) Columbia River (Cont.)*	<u>St. Helens</u> 7 1/2 Deer Island 7 1/2 Kalama 7 1/2 Rainier 7 1/2 Clatskanie 15	From the Lewis River at the Clark County line (Sec.10, T4N, R1W) downstream along the Washington-Oregon line to Wahkiakum County line (Sec.20, T8N, R4W). The flow exceeds 1,000 cfs MAF at Cowlitz-Clark County line.	(23) Gobar Creek	<u>Pigeon Springs</u> 15	From the confluence of Gobar Creek and unnamed creek (Sec.8, T7N, R2E) downstream to mouth at Kalama River (Sec.36, T7N, R1E).
(14) Cougar Creek	<u>Cougar</u> 15	From the Gifford Pinchot National Forest boundary (Sec.23, T7N, R4E) downstream to mouth at Yale Lake (Sec.27, T7N, R4E).	(24) Goble Creek	<u>Pigeon Springs</u> 15 Kalama 7 1/2 Mt. Brynion 7 1/2	From the confluence of Goble Creek and unnamed creek (Sec.13, T7N, R1W) downstream to mouth of Coweeman River (Sec.34, T8N, R1W).
(15) Coweeman River	<u>Cougar</u> 15 Pigeon Springs 15 Mt. Brynion 7 1/2 Kelso 7 1/2 Rainier 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.19, T8N, R3E) downstream to mouth at Cowlitz River (Sec.11, T7N, R2W).	(25) Goble Creek (N. Fk.)	<u>Pigeon Springs</u> 15 Kalama 7 1/2	From the confluence of the North Fork Goble Creek and unnamed creek (Sec.31, T8N, R1E) downstream to mouth at Goble Creek (Sec.2, T7N, R1W).
(16) Cowlitz River (Cont.)*	<u>Castle Rock</u> 15 Kelso 7 1/2 Rainier 7 1/2	From Cowlitz-Lewis County line (Sec.4, T10N, R2W) downstream to mouth on Columbia River (Sec.10, T7N, R2W). The flow exceeds 1,000 cfs MAF at Cowlitz-Lewis County line (Sec.3, T10N, R2W).	(26) Green River (Cont.)	<u>Spirit Lake</u> 15 Elk Rock 15 Toutle 15	From the Skamania-Cowlitz County line (Sec.1, T10N, R4E) downstream to mouth at North Fork Toutle River (Sec.8, T10N, R2E) excluding those reaches within Lewis County.
(17) Deer Creek	<u>Elk Rock</u> 15	From the confluence of Deer Creek and unnamed creek (Sec.31, T10N, R3E) downstream to mouth at North Fork Toutle River (Sec.36, T10N, R2E).	(27) Hemlock Creek	<u>Toutle</u> 15	From the confluence of Hemlock Creek and unnamed creek (Sec.18, T9N, R1E) downstream to mouth at Silver Lake (Sec.1, T9N, R1W).
(18) Delameter Creek	<u>Castle Rock</u> 15 Kelso 7 1/2	From the confluence of Delameter Creek and unnamed creek (Sec.24, T9N, R3W) downstream to mouth at Arkansas Creek (Sec.16, T9N, R2W).	(28) Hoffstadt	<u>Elk Rock</u> 15 Toutle 15	From the confluence of Hoffstadt Creek and unnamed creek (Sec.24, T10N, R3E) downstream to mouth at North Fork Toutle River (Sec.23, T10N, R2E).
(19) Devils Creek	<u>Toutle</u> 15	From the Lewis County line (Sec.2, T10N, R2E) downstream to mouth at the Green River (same section).	(29) Jackson Creek	<u>Elk Rock</u> 15	From the approximate point near the north section line (SW1/4 of SW1/4 of Sec.8, T9N, R4E) downstream to mouth at North Fork Toutle River (Sec.12, T9N, R3E).
(20) Elk Creek	<u>Cougar</u> 15	From the confluence of Elk Creek and unnamed creek (Sec.12, T7N, R2E) downstream to mouth at Kalama River (Sec.24, same township).	(30) Johnson Creek	<u>Toutle</u> 15	From the confluence of Johnson Creek and unnamed creek (Sec.36, T10N, R1E) downstream to South Fork Toutle River (Sec.34, same township).
(21) Elochoman River (E. Fk.)	<u>Ryderwood</u> 15	From the confluence of East Fork Elochoman River and unnamed creek (Sec.8, T10N, R4W) downstream to Wahkiakum County line (same section).			

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(31) Kalama River*	<u>Cougar</u> 15 Pigeon Springs*15 Kalama 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.5, T7N, R4E) downstream to mouth at Columbia River (Sec.1, T6N, R2W) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Little Kalama River (Sec.17, T6N, R1E).	(40) Olequa Creek (Cont.)	<u>Castle Rock</u> 15	From Lewis County line (Sec.32, T11N, R2W) downstream to mouth at Cowlitz River (Sec.9, T10N, R2W).
(32) Kalama River (N. Fk.)	<u>Cougar</u> 15	From confluence of Kalama River N. Fk. and unnamed creek (Sec.34, T8N, R3E) downstream to mouth at Kalama River (Sec.14, T7N, R3E).	(41) Ostrander Creek	<u>Mt. Brynion</u> 7 1/2 Kelso 7 1/2	From the confluence of Ostrander Creek and unnamed creek (Sec.27, T9N, R1W) downstream to mouth at Cowlitz River (Sec.11, T8N, R2W).
(33) Langdon Creek	<u>Cougar</u> 15	From confluence of Langdon Creek and unnamed creek (Sec.9, T7N, R3E) downstream to mouth at Kalama River (Sec.22, T7N, R3E).	(42) Ostrander Creek (S. Fk.)	<u>Mt. Brynion</u> 7 1/2 Kelso 7 1/2	From the confluence of South Fork Ostrander Creek and unnamed creek (Sec.18, T8N, R1W) downstream to mouth at Ostrander Creek (Sec.12, T8N, R2W).
(34) Lewis River (Cont.)*	<u>Mt. St. Helens*</u> 15 <u>Cougar</u> 15 Yacolt 15 St. Helens 15 Amboy 7 1/2 Ariel 7 1/2 Woodland 7 1/2	From the Skamania County line (Sec.25, T7N, R4E) downstream through Yale Lake and Lake Merwin to mouth at the Columbia River (Sec.2, T4N, R1W) on right shore of Lewis River only. The flow exceeds 1,000 cfs MAF at Cowlitz-Skamania County line.	(43) Rock Creek	<u>Cougar</u> 15 Amboy 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.8, T6N, R3E) downstream to mouth at Lake Merwin (Sec.20, same township).
(35) Little Kalama River	<u>LaCenter</u> 15 Pigeon Springs 15	From the confluence of the Little Kalama River and unnamed creek (Sec.16, T6N, R1E) downstream to mouth at Kalama River (Sec.17, same township).	(44) Salmon Creek (Cont.)	<u>Castle Rock</u> 15	From the Lewis County line (Sec.3, T10N, R1W) back to Lewis County line (same section) except those reaches within Lewis County.
(36) Little Mill Creek	<u>Clatskanie</u> 15	From the confluence of Little Mill Creek and unnamed creek (Sec.8, T8N, R4W) downstream to mouth at Mill Creek (Sec.9, same township).	(45) Shultz Creek	<u>Elk Rock</u> 15	From the confluence of Shultz Creek and unnamed creek (N1/2 Sec.14, T10N, R4E) downstream to mouth at Green River (Sec.3, same township).
(37) Mill Creek (Cont.)	<u>Clatskanie</u> 15	From the Wahkiakum County line (Sec.32, T9N, R4W) downstream to mouth on the Columbia River (Sec.9, T8N, R4W).	(46) South Coldwater Creek	<u>Spirit Lake</u> 15 Elk Rock 15	From the Gifford Pinchot National Forest boundary (Sec.1, T9N, R4E) downstream to mouth at Coldwater Creek (Sec.2, same township).
(38) Monahan Creek	<u>Ryderwood</u> 15 Castle Rock 15	From the confluence of Monahan Creek and unnamed creek (Sec.2, T9N, R3W) downstream to mouth at Delameter Creek (Sec.18, T9N, R2W).	(47) Speelyai Creek	<u>Cougar</u> 15 Yacolt 15 Amboy 7 1/2	From the confluence of the Speelyai Creek and the West Fork of Speelyai Creek (Sec.5, T6N, R4E) downstream to mouth at Lake Merwin (Sec.23, T6N, R3E).
(39) Mulholland Creek	<u>Pigeon Springs</u> 15	From the confluence of Mulholland Creek and unnamed creek (Sec.2, T8N, R1E) downstream to mouth at Coweeman River (Sec.17, same township).	(48) Stillwater Creek	<u>Ryderwood</u> 15	From the confluence of Stillwater Creek and unnamed creek (Sec.6, T10N, R3W) downstream to the Lewis County line (Sec.3, same township).
			(49) Studebaker Creek	<u>Toutle</u> 15	From the confluence of Studebaker Creek and unnamed creek (Sec.33, T10N, R1E) downstream to mouth at Toutle River (S. Fork) (Sec.29, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(50) Toutle River*	<u>Toutle</u> * 15 Castle Rock 15	From confluence of North and South Forks of Toutle River (Sec.29, T10N, R1E) downstream to mouth on Cowlitz River (Sec.34, T10N, R2W). The 1,000 cfs MAF point begins at mouth of Green River (Sec.8, T10N, R2E) at North Fork Toutle River.
(51) Toutle River (N. Fk.)	<u>Spirit Lake</u> 15 Elk Rock 15 Toutle 15	From the Gifford Pinchot National Forest boundary at the Skamania County line (Sec.13, T9N, R4E) downstream to mouth at Toutle River (Sec.29, T10N, R1E).
(52) Toutle River (S. Fk.)	<u>Cougar</u> 15 Pigeon Springs 15 Toutle 15	From the Gifford Pinchot National Forest boundary (Sec.2, T8N, R4E) downstream to mouth at the Toutle River (Sec.29, T10N, R1E).
(53) Unnamed Tributary to Kalama River	<u>Cougar</u> 15	From an approximate point (SW1/4 of SE1/4 of NW1/4 of Sec.13, T7N, R3E) downstream to mouth at Kalama River (Sec.12, same township).
(54) Unnamed Tributary to Speelyai Creek	<u>Cougar</u> 15	From an approximate point near the east section line (Sec.12, T6N, R3E) downstream to mouth at Speelyai Creek (Sec.7, T6N, R4E).
(55) Unnamed Tributary to Toutle River (S. Fk.)	<u>Cougar</u> 15	From confluence of unnamed tributary and unnamed creek (Sec.12, T8N, R3E) downstream to mouth at South Fork Toutle River (Sec.36, T9N, R3E).
(56) Wild Horse Creek	<u>Pigeon Springs</u> 15	From the confluence of Wild Horse Creek and unnamed creek (Sec.23, T7N, R1E) downstream to mouth at Kalama River (Sec.36, T7N, R1E).
(57) Wolf Creek	<u>Cougar</u> 15	From the confluence of Wolf Creek and unnamed creek (Sec.28, T7N, R3E) downstream to mouth at Kalama River (Sec.21, same township).
(58) Wyant Creek	<u>Toutle</u> 15	From the confluence of Wyant Creek and unnamed creek (Sec.13, T10N, R1E) downstream to mouth at North Fork Toutle River (Sec.20, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(59) Unnamed Tributary to Toutle River (S. Fk.)	<u>Cougar</u> 15	From north end of Goat Marsh (SW1/4, NW1/4 Sec.23, T8N, R4E) downstream to mouth at Toutle River S.Fk. excluding federal lands.
(60) Fossil Creek	<u>Cougar</u> 15	From Gifford Pinchot National Forest boundary (Sec.31, T8N, R4E) downstream to mouth at Kalama River (Sec.6, T7N, R4E).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-120, filed 6/30/80; Order DE 76-14, § 173-18-120, filed 5/3/76; Order 73-14, § 173-18-120, filed 8/27/73; Order DE 72-13, § 173-18-120, filed 6/30/72.]

WAC 173-18-130 Douglas County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*	Chief Joseph Dam 7 1/2 Bridgeport 7 1/2 Brewster 7 1/2 Wells Dam 7 1/2 Azwell 7 1/2 Chelan Falls 7 1/2 Wenatchee 7 1/2 Rock Island 7 1/2 Malala 7 1/2 Rock Island Dam 7 1/2 Chelan 7 1/2 Winesap 7 1/2 Entiat 7 1/2 Orondo 7 1/2 Rocky Reach Dam 7 1/2 West Bar 7 1/2	Beginning (Sec.24, T29N, R25E) below Chief Joseph Dam downstream to (Sec.13, T20N, R22E) excluding any federal lands. The flow exceeds 200 cfs MAF at Chief Joseph Dam.
(2) Moses Coulee* (Rattlesnake Creek) (Douglas Creek)	<u>Palisades</u> * 7 1/2 Appledale 7 1/2 Rock Island Dam 7 1/2	From the confluence of Douglas Creek and Moses Coulee (Sec.36, T23N, R23E) downstream to mouth at Columbia River (Sec.33, T21N, R22E). This stream has over 300 sq. miles of drainage area ending at mouth of Douglas Creek.

[Order 73-14, § 173-18-130, filed 8/27/73; Order DE 72-13, § 173-18-130, filed 6/30/72.]

WAC 173-18-140 Ferry County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Boulder Creek	<u>Orient</u> 15 Orient 7 1/2	From the Colville National Forest boundary (Sec.36, T39N, R36E) downstream to mouth at Kettle River and Stevens County line (same section).
(2) Columbia River (Cont.)*	<u>Marcus</u> 7 1/2	All of Columbia River (Franklin D. Roosevelt Lake) within Ferry County is under federal jurisdiction.
(3) Curlew Creek	<u>Curlew</u> 15	From the confluence of Curlew Creek and St. Peter Creek (Sec.11, T38N, R33E) downstream to Kettle River (Sec.14, T39N, R33E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(4) Kettle River*	<u>Bodie Mtn.</u> 15 Curlew 15 Togo Mtn. 15 Laurier 7 1/2 Orient 7 1/2	From the United States - Canada border (Sec.3, T40N, R32E) downstream to said border (Sec.3, T40N, R34E) returning to the U.S. (Sec.2, T40N, R36E) right bank only downstream to (Sec.20, T38N, R37E) excluding all Colville National Forest lands. The flow exceeds 200 cfs MAF at United States - Canada boundary.
(5) Sanpoil River	<u>Republic</u> 15 Seventeen-Mile Mtn. 15 Keller 15 Wilbur 15	From the confluence of Sanpoil River and O'Brien Creek (Sec.5, T36N, R33E) downstream to federal boundary (Sec.12, T35N, R32E).
(6) Toroda Creek (Cont.)	<u>Bodie Mtn.</u> 15	From the Intersection of Nickolson Creek and Toroda Creek (Sec.30, T40N, R32E) downstream to mouth at Kettle River near Toroda (Sec.27, same township).
(7) Sherman Creek	<u>Kettle Falls</u> 15	From the Colville National Forest boundary (Sec.30, T36N, R37E) downstream to mouth at Columbia River (Sec.27, T36N, R37E).

[Order DE 76-14, § 173-18-140, filed 5/3/76; Order 73-14, § 173-18-140, filed 8/27/73; Order DE 72-13, § 173-18-140, filed 6/30/72.]

WAC 173-18-150 Franklin County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*	<u>Hanford</u> 15 Richland 15 Kennewick 7 1/2 Pasco 7 1/2	From Hanford Works boundary (Sec.23, T12N, R28E) downstream left bank only to (Sec.13, T9N, R28E) questionable. The flow exceeds 200 cfs MAF at Hanford Works boundary.
(2) Esquatzel Coulee*	<u>Mesa*</u> 15 Eltopia 15	From mouth of Old Maid Coulee (Sec.11, T12N, R30E) downstream to a sump (Sec.12, T9N, R29E) (Esquatzel River gradually sinking into ground). This stream has over 300 sq. miles of drainage area ending at mouth of Old Maid Coulee.
(3) Palouse River (Cont.)*	<u>Starbuck</u> 15	From Adams County line (Sec.5, T14N, R37E) downstream right bank only to mouth on Snake River (Sec.19, T13N, R37E). This stream has over 300 sq. miles of drainage area and over 200 cfs MAF flow at Adams County line.
(4) Snake River (Cont.)*		All of Snake River within Franklin County is under federal jurisdiction. The flow exceeds 200 cfs MAF at Whitman County line.

[Order 73-14, § 173-18-150, filed 8/27/73; Order DE 72-13, § 173-18-150, filed 6/30/72.]

WAC 173-18-160 Garfield County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Pataha Creek	<u>Pomeroy</u> 30 Hay 15 Zumwalt 7 1/2	From the confluence of Pataha Creek and Totman Gulch Stream (Sec.5, T11N, R41E) downstream to Columbia County line (Sec.7, T12N, R40E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(2) Snake River (Cont.)*	<u>Clarkston</u> 15 Colton 7 1/2 Bishop 7 1/2 Kirby 7 1/2 Alinota 7 1/2 Penawawa 15 Hay 15	From the Asotin County line (Sec.6, T11N, R45E) downstream along Whitman County line left bank only to the Columbia County line (Sec.7, T13N, R40E). The flow exceeds 200 cfs MAF at Asotin County line. Under federal jurisdiction.

[Order 73-14, § 173-18-160, filed 8/27/73; Order DE 72-13, § 173-18-160, filed 6/30/72.]

WAC 173-18-170 Grant County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*	<u>Grand Coulee Dam</u> 15 West Bar 7 1/2 Babcock Ridge 7 1/2 Cape Horn S.E. 7 1/2 Vantage 7 1/2 Beverly 7 1/2 Evergreen Ridge 7 1/2 Priest Rapids 15	From the Douglas County line on the Columbia River (Sec.18, T20N, R23E) downstream left bank only to Hanford Works boundary (Sec.10, T13N, R24E). The flow exceeds 200 cfs MAF at Douglas County line.
(2) Crab Creek*	<u>Marlin</u> 7 1/2 Wilson Creek 15 Wilson Creek N.W. 7 1/2 Stratford 7 1/2 Soap Lake 7 1/2 Grant Orchards 7 1/2 Gloyd 7 1/2 Moses Lake North 7 1/2	From the Lincoln County line (Sec.13, T22N, R30E) downstream through Brook Lake to mouth at Parker Horn of Moses Lake (Sec.14, T19N, R28E). This stream has over 300 sq. miles drainage area.
(3) Lind Coulee*	<u>Basset Junction*</u> 7 1/2 Sieler 7 1/2 Soda Lake 7 1/2 Corfu 15	From south section line (Sec.18, T18N, R30E) downstream to mouth of Potholes Reservoir (Sec.1 and 12, T17N, R28E). This stream has over 300 sq. miles of drainage area ending at Lind Coulee in (Sec.18, T18N, R30E).
(4) Lower Crab Creek	<u>Corfu</u> 15 Smyrna 15 Beverly S.E. 7 1/2 Beverly 7 1/2	From CNW Refuge Bdy. (Sec.36, T16N, R26E) downstream excluding all federal lands to mouth at Columbia River (Sec.3, T15N, R23E).
(5) Rocky Ford Creek	<u>Grant Orchards</u> 7 1/2 Moses Lake N.W. 7 1/2	From the confluence of Rocky Ford Creek and several springs (Sec.16, T21N, R27E) downstream to mouth at Moses Lake (Sec.8, T20N, R27E).
(6) Wilson Creek (Cont.)*	<u>Almira S.W.</u> 7 1/2 Hartline S.E. 7 1/2 Wilson Creek 15	From Lincoln County line (Sec.1, T24N, R30E) downstream to mouth at Crab Creek (Sec.12, T22N, R29E). This stream has over 300 sq. miles of drainage area.

[Order DE 76-14, § 173-18-170, filed 5/3/76; Order 73-14, § 173-18-170, filed 8/27/73; Order DE 72-13, § 173-18-170, filed 6/30/72.]

WAC 173-18-180 Grays Harbor County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Andrews Creek	<u>Grayland</u> 7 1/2	From the confluence of Andrews Creek and unnamed creek (SW1/4 NW1/4 of Sec.2, T15N, R11W) downstream to mouth at Beardslee Slough of South Bay (Sec.27, T16N, R11W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(2) Big Creek	<u>Humptulips</u> 15	From the confluence of the Big Creek and South Branch of the Big Creek (Sec.2, T19N, R10W) downstream to mouth at Humptulips River (Sec.1, T19N, R11W).	(12) Chehalis River (Cont.)*	<u>Rochester</u> 15 <u>Malone</u> 15 <u>Montesano</u> 15 <u>Aberdeen</u> 7 1/2	From the Thurston Co. line (Sec.10, T15N, R4W) downstream on the south-erly shore only (north shore on Indian Reservation). Both shores beginning (Sec.25, T16N, R5W) downstream to mouth at Grays Harbor (Sec.9,T17N,R9W). The flow exceeds 1,000 cfs MAF at Thurston-Grays Harbor County line.
(3) Bitter Creek	<u>Wynoochee Valley</u> 15	From a point on the north line of (Sec.11, T18N, R8W) intersecting with Bitter Creek downstream to mouth at Black Creek (same section).	(13) Cloquallum Creek	<u>Elma</u> 15 <u>Malone</u> 15	From the Mason Co. line (Sec.1, T18N, R6W) downstream to mouth at Chehalis River (Sec.2, T17N, R6W).
(4) Black Creek	<u>Wynoochee Valley</u> 15	From the confluence of Black Creek and the unnamed creek (Sec.13, T18N, R8W) downstream to mouth at Wynoochee River (Sec.26, T18N, R8W).	(14) Connor Creek	<u>Copalis Beach</u> 7 1/2	From the confluence of Cranberry Creek (Sec.10, T18N, R12W) downstream to mouth at Pacific Ocean (Sec.33, T19N, R12W).
(5) Black River (Cont.)	<u>Rochester</u> 15	From the Thurston County line (Sec.27, T16N, R4W) downstream to mouth at Chehalis River (Sec.5, T15N, R4W) excluding all federal lands.	(15) Copalis River	<u>Quinault Lake</u> 15 <u>Macafee Hill</u> 15 <u>Carlisle</u> 7 1/2 <u>Moclips</u> 7 1/2 <u>Copalis Beach</u> 7 1/2	From the intersection of Copalis River and unim-proved road (Sec.30, T21N, R10W) downstream to mouth at Pacific Ocean (Sec.21, T19N, R12W).
(6) Boone Creek	<u>Moclips</u> 7 1/2	From an approximate point in the (NW1/4 of NW1/4 of SW1/4 Sec.4, T19N, R12W) downstream to mouth at Pacific Ocean, near Iron Springs (Sec.4, T19N, R12W).	(16) Decker Creek (Cont.)	<u>Elma</u> 15	Beginning at a point where Decker Creek crosses Grays Harbor Co. and Mason Co. line (Sec.24, T20N, R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.25, of same Township).
(7) Canyon River (Cont.)	<u>Mt. Tebo</u> 15 <u>Wynoochee Valley</u> 15 <u>Grisdale</u> 15	Beginning at Mason Co. and Grays Harbor Co. line (Sec.13, T21N, R7W) downstream to mouth at Satsop West Fork River (Sec.22, T20N, R7W).	(17) Deep Creek	<u>Humptulips</u> 15 <u>Copalis Crossing</u> 7 1/2	From the confluence of Deep Creek and unnamed creek (Sec.30, T19N, R10W) downstream to mouth at Humptulips River (Sec.22, T19N, R11W).
(8) Carter Creek	<u>Wynoochee Valley</u> 15	From an approximate point on the west line of (NE1/4 Sec.12, T19N, R8W) downstream to mouth at Wynoochee River (Sec.14, T19N, R8W).	(18) Delezene Creek	<u>Malone</u> 15	From the confluence of the Delezene Creek and unnamed Creek (SE1/4 of NW1/4 Sec.27, T17N, R6W) downstream to the Chehalis River (Sec.12, T17N, R6W).
(9) Cedar Creek	<u>Copalis Beach</u> 7 1/2	From the confluence of Cedar Creek and unnamed creek (Sec.23, T19N, R12W), downstream to mouth at Copalis River (Sec.22, T19N, R12W).	(19) Donkey Creek	<u>Quinault Lake</u> 15	From the intersection of Olympic National Forest boundary and Donkey Creek (Sec.3, T21N, R9W) downstream to mouth at West Fork Humptulips River (Sec.16, T21N, R9W).
(10) Cedar Creek	<u>Rochester</u> 15	From the Thurston County line (Sec.2, T16N, R4W) downstream to mouth at Chehalis River (Sec.10, T16N, R5W).	(20) Elkhorn Creek	<u>Montesano</u> 15	From the confluence of Elk Horn Creek and unnamed creek (Sec.10, T15N, R8W) downstream to Pacific Co. line (same sec-tion).
(11) Charley Creek	<u>Aberdeen</u> 7 1/2	From a point between con-fluence of one unnamed creek and Charley Creek and confluence of another unnamed creek and Char-ley Creek (Sec.27, T17N, R9W) downstream to mouth at south channel of Grays Harbor (Sec.18, T17N, R9W).	(21) Elk River (E. Br.)	<u>Western</u> 7 1/2	From the confluence of Elk River East Branch and unnamed creek (Sec.5, T15N, R10W) downstream to mouth at Elk River (same section).

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(22) Elk River	<u>Western</u> 7 1/2 Grayland 7 1/2	From the confluence of Elk River and East Branch Elk River (Sec.5, T15N, R10W) to mouth on South Bay (Sec.26, T16N, R11W).	(33) Joe Creek	<u>Carlisle</u> 7 1/2 Moclips 7 1/2	From the confluence of Joe Creek and unnamed creek (Sec.18, T20N, R11W) downstream to mouth at Pacific Beach (Sec.20, T20N, R12W).
(23) Garrard Creek	<u>Malone</u> 15	From the confluence of the Garrard Creek and the Kellogg Creek (Sec.8, T15N, R5W) downstream to mouth at the Chehalis River (Sec.1, T15N, R5W).	(34) Johns River (S. Fk.)	<u>Western</u> 7 1/2	From the confluence of South Fork Johns River and Hall Creek (Sec.22, T16N, R10W) downstream to mouth at North Fork Johns River (same section).
(24) Garrard Creek (S. Fk.) (Cont.)	<u>Malone</u> 15	From the Lewis County line SE corner (Sec.9, T15N, R5W) downstream to mouth at the Garrard Creek (Sec.10, T15N, R5W).	(35) Johns River (N. Fk.)	<u>Hoquiam</u> 7 1/2	From the confluence of North Fork Johns River and unnamed creek (Sec.15, T16N, R10W) downstream to mouth at Johns River (Sec.22, T16N, R10W).
(25) Hoquiam River	<u>Humptulips</u> 15 Hoquiam 7 1/2	From confluence of West and Middle Forks of Hoquiam River (Sec.22, T18N, R10W) downstream to mouth in Grays Harbor in Hoquiam (Sec.12, T17N, R10W).	(36) Little River	<u>Grisdale</u> 15	From an approximate point in (SW1/4 of NE1/4 of SE1/4 Sec.22, T21N, R7W) downstream to mouth at West Fork Satsop River (Sec.27, T21N, R7W).
(26) Hoquiam River (E. Fk.)	<u>Humptulips</u> 15 Hoquiam 7 1/2	From the confluence of the East Fork Hoquiam River and unnamed creek (Sec.32, T20N, R9W) downstream to mouth at Hoquiam River (Sec.35, T18N, R10W).	(37) Little Hoquiam River	<u>Hoquiam</u> 7 1/2	From the confluence of Little Hoquiam River and the North Fork Little Hoquiam River (Sec.3, T17N, R10W) downstream to mouth at Hoquiam River (Sec.2, T17N, R10W).
(27) Hoquiam River (M. Fk.)	<u>Humptulips</u> 15	From approximately the south line of the (NE1/4 of the SE1/4 Sec.30, T19N, R9W) downstream to mouth at Hoquiam River (Sec.22, T18N, R10W).	(38) Little North River	<u>Montesano</u> 15	From an approximate point near the center of (NW1/4 of SW1/4 of NW1/4 (Sec.1, T16N, R8W) downstream to mouth at North River (Sec.8, T16N, R8W).
(28) Hoquiam River (W. Fk.)	<u>Humptulips</u> 15	From intersection of West Fork Hoquiam River and middle duty road (Sec.34, T19N, R10W) downstream to mouth at Hoquiam River (Sec.22, T18N, R10W).	(39) Lower Salmon Creek	<u>Montesano</u> 15 Aberdeen S.E. 7 1/2	From the confluence of Lower Salmon Creek and unnamed creek (Sec.5, T15N, R8W) downstream to mouth at North River (Sec.7, T15N, R9W) except where it passes thru Pacific County in (Sec.14 and 15, T15N, R9W).
(29) Humptulips River*	<u>Humptulips</u> * 15 Carlisle 7 1/2 Copalis Crossing 7 1/2	From the confluence of East and West Forks of Humptulips River (Sec.2, T20N, R10W) downstream to mouth at North Bay (Sec.21, T18N, R11W). The 1,000 cfs MAF point begins at confluence of East and West Forks.	(40) Moclips River	<u>Moclips</u> 7 1/2	From the Quinalt Indian Reservation boundary (Sec.9, T20N, R12W) downstream across said boundary and back, downstream to mouth at Pacific Ocean near the Town of Moclips (Sec.8, T20N, R12W).
(30) Humptulips River (E. Fk.)	<u>Quinalt Lake</u> 15 Humptulips 15	From the Olympic National Forest boundary (Sec.12, T21N, R9W) downstream to confluence with West Fork Humptulips River (Sec.2, T20N, R10W).	(41) Mox Chehalis Creek	<u>Elma</u> 15 Malone 15	From the intersection of Mox Chehalis Creek and McCleary and Malone Road (Sec.24, T18N, R5W) downstream to mouth at Chehalis River (Sec.18, T17N, R5W).
(31) Humptulips River (W. Fk.)	<u>Quinalt Lake</u> 15 Humptulips 15	From the Olympic National Forest boundary (Sec.9, T21N, R9W) downstream to confluence with East Fork Humptulips River (Sec.2, T20N, R10W).	(42) Newman Creek	<u>Elma</u> 15 Malone 15	From the intersection of Newman Creek and Newman Creek Road (Sec.29, T18N, R6W) downstream to mouth at Chehalis River (Sec.6, T17N, R6W).
(32) Independence Creek (Cont.)	<u>Rochester</u> 15	From Lewis Co. line (Sec.10, T15N, R4W) downstream to mouth on Chehalis River (same section).			

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(43) Newskah Creek	<u>Aberdeen</u> 7 1/2	From a point approximately 200' west of confluence of Newskah Creek and unnamed creek (NW1/4 of SE1/4 Sec.4, T16N, R9W) downstream to mouth at South Channel of Grays Harbor (Sec.18, T16N, R9W).	(54) Sand Creek	<u>Malone</u> 15	From an approximate point near the center of (SE1/4 of NE1/4 Sec.5, T17N, R5W) downstream to mouth at Mox Chehalis Creek (same section).
(44) North River* (Cont.)	<u>Montesano</u> 15 <u>Aberdeen S.E.</u> 7 1/2	From the Pacific Co. line (Sec.10, T15N, R7W) downstream to Pacific Co. line again (Sec.7, T15N, R9W). The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7, T15N, R9W).	(55) Satsop River*	<u>Wynoochee Valley*</u> 15 <u>Elma</u> 15 <u>Malone</u> 15	From the confluence of East and West Forks of Satsop River (Sec.23, T18N, R7W) downstream to mouth at Chehalis River (Sec.7, T17N, R6W). The flow is more than 1,000 cfs MAF at mouth of East Fork Satsop River (Sec.23, T18N, R7W).
(45) Pioneer Creek	<u>Malone</u> 15	From the confluence of Pioneer Creek and unnamed creek (Sec.25, T16N, R7W) downstream to mouth at the North River (Sec.4, T15N, R7W).	(56) Satsop River (E. Fk.)* (Cont.)	<u>Elma*</u> 15 <u>Wynoochee Valley</u> 15	From Mason Co. and Grays Harbor Co. line (Sec.6, T18N, R6W) downstream to mouth at Satsop River (Sec.23, T18N, R7W). The 1,000 cfs MAF point begins at mouth of Middle Fork Satsop River, (Sec.3, T19W, R6W).
(46) Porter Creek	<u>Rochester</u> 15 <u>Malone</u> 15	From the confluence of the North Fork Porter Creek and the South Fork Porter Creek (Sec.1, T17N, R5W) downstream to mouth at Chehalis River (Sec.28, T17N, R5W).	(57) Satsop River (M. Fk.) (Cont.)	<u>Mt. Tebo</u> 15 <u>Wynoochee Valley</u> 15 <u>Elma</u> 15	From Mason Co. and Grays Harbor Co. line (Sec.1, T20N, R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.36, T19N, R7W).
(47) Porter Creek (N. Fk.)	<u>Rochester</u> 15	From an approximate point near the SW corner of (SE1/4 on NW1/4 of NW1/4 of Sec.3, T17N, R4W) downstream to mouth at Porter Creek (Sec.1, T17N, R5W).	(58) Satsop River (W. Fk.)	<u>Grisdale</u> 15 <u>Wynoochee Valley</u> 15	From the Olympic National Forest boundary (Sec.10, T21N, R7W) downstream to mouth at confluence of West Fork Satsop River and East Fork Satsop River (Sec.23, T18N, R7W).
(48) Porter Creek (S. Fk.)	<u>Rochester</u> 15	From the confluence of Hell Creek and the S. Fork Porter Creek (Sec.7, T17N, R4W) downstream to mouth at Porter Creek (Sec.1, T17N, R5W).	(59) Schafer Creek	<u>Wynoochee Valley</u> 15	From an approximate point on the west line of (SE1/4 of SE1/4 Sec.1, T20N, R8W) downstream to mouth at the Wynoochee River (Sec.25, T20N, R8W).
(49) Porter Creek (W. Fk.)	<u>Rochester</u> 15	From the confluence of the West Fork Porter Creek and Bozy Creek (Sec.31, T18N, R4W) downstream to mouth at Porter Creek (Sec.11, T17N, R5W).	(60) Stevens Creek	<u>Quinault Lake</u> 15	From the confluence of Stevens Creek and unnamed creek (Sec.12, T21N, R10W) downstream to mouth at Humptulips River (Sec.12, T20N, R11W).
(50) Rainie Creek (Rt. Fk.)	<u>Malone</u> 15	From an approximate point near the center of the (SW1/4 of the NE1/4 Sec.3, T15N, R6W) downstream to Pacific County line (Sec.9, T15N, R6W).	(61) Sylvia Creek	<u>Montesano</u> 15	From the confluence of Sylvia Creek and unnamed creek (Sec.1, T17N, R8W) downstream to mouth at Wynoochee River (Sec.7, T17N, R7W).
(51) Raney Creek	<u>Humptulips</u> 15	From confluence of Raney Creek and unnamed creek (SE1/4 NE1/4 Sec.22, T20N, R9W) downstream to mouth at West Fork Wishkah River (Sec.26, T20N, R9W).	(62) Unnamed Tributary to Humptulips River	<u>Humptulips</u> 15	From the confluence of two unnamed creeks (Sec.14, T20N, R10W) downstream to mouth at Humptulips River (Sec.9, T20N, R10W).
(52) Rock Creek	<u>Malone</u> 15	From the confluence of Rock Creek and unnamed creek (Sec.11, T16N, R6W) downstream to mouth at Chehalis River (Sec.15, T16N, R5W).	(63) Vance Creek	<u>Malone</u> 15	From the intersection of Vance Creek and light duty road (Sec.3, T17N, R6W) downstream to mouth at Chehalis River (Sec.6, T17N, R6W).
(53) Salmon Creek	<u>Montesano</u> 15	From the confluence of Salmon Creek and unnamed creek (Sec.13, T16N, R8W) downstream to mouth at North River (Sec.9, T16N, R8W).			

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(64) Vesta Creek (E. Fk.)	<u>Malone</u> 15 Montesano 15	From the confluence of the East Fork Vesta Creek and unnamed creek (Sec. 13, T16N, R7W) downstream to mouth at Vesta Creek (Sec. 14, T16N, R7W).	(74) Wishkah River	<u>Grisdale</u> 15 Wynoochee Valley 15 Humptulips 15 Aberdeen 7 1/2	From the confluence of Wishkah River and unnamed creek inside the state game reserve (Sec. 20, T21N, R8W) downstream to mouth at the Chehalis River at Aberdeen (Sec. 9, T17N, R9W).
(65) Vesta Creek	<u>Montesano</u> 15	From confluence of East and West Forks of Vesta Creek (Sec. 14, T16N, R7W) downstream to mouth on North River (Sec. 32, T16N, R7W).	(75) Workman Creek	<u>Malone</u> 15	From the confluence of Workman Creek and unnamed creek (NW 1/4 SE 1/4 Sec. 20, T17N, R6W) downstream to mouth at Chehalis River (Sec. 9, T17N, R6W).
(66) Vesta Creek (W. Fk.)	<u>Montesano</u> 15	From the confluence of Vesta Creek West Fork and unnamed creek from the east (Sec. 3, T16N, R7W) downstream to mouth at Vesta Creek (Sec. 14, T16N, R7W).	(76) Wynoochee River*	<u>Grisdale</u> 15 Wynoochee Valley* 15 Montesano 7 1/2	From the Olympic National Forest boundary (Sec. 1, T21N, R8W) downstream to mouth at Chehalis River (Sec. 18, T17N, R7W). The 1,000 cfs MAF point begins at mouth of Carter Creek (Sec. 14, T19N, R8W).
(67) Wedekind Creek	<u>Wynoochee Valley</u> 15	From the confluence of Wedekind Creek and unnamed creek (Sec. 19, T18N, R8W) downstream to mouth at Wynoochee River (Sec. 28, T18N, R8W).	(77) Johns River	<u>Western</u> 7 1/2 Hoquiam 7 1/2	From confluence of North Fork and South Fork Johns River (Sec. 22, T16N, R10W) downstream to its mouth at Grays Harbor (Sec. 36, T17N, R11W).
(68) Wildcat Creek	<u>Elma</u> 15	From the confluence of East and West Forks of Wildcat Creek (Sec. 16, T18N, R5W) downstream to mouth at Cloquallum Creek (Sec. 30, T18N, R5W).	(78) Quinault River* (Cont.)	<u>Kloochman Rock</u> 15 Quinault Lk.	From Jefferson/Grays Harbor County line (Sec. 1, T23W, R9W) downstream to mouth at Quinault Lake (Sec. 16, T23W, R9W). Exclude federal lands. The flow is over 1,000 cfs MAF at Jefferson/Grays Harbor County line.
(69) Wildcat Creek (W. Fk.)	<u>Elma</u> 15	From the confluence of West Fork Wildcat Creek and unnamed creek (Sec. 16, T18N, R5W) downstream to confluence with East Fork Wildcat Creek (same section).	[Order DE 76-14, § 173-18-180, filed 5/3/76; Order 73-14, § 173-18-180, filed 8/27/73; Order DE 72-13, § 173-18-180, filed 6/30/72.]		
(70) Wildcat Creek (E. Fk.)	<u>Elma</u> 15	From the confluence of East Fork Wildcat Creek and unnamed creek (Sec. 15, T18N, R5W) downstream to confluence of East Fork Wildcat Creek and West Fork Wildcat Creek (Sec. 16, T18N, R5W).	WAC 173-18-190 Island County. Streams		
(71) Williams Creek	<u>Malone</u> 15	From the confluence of Williams Creek and unnamed creek (SE 1/4 Sec. 20, T16N, R5W) downstream to Rock Creek (Sec. 16, T16N, R5W).	Island County has no 20 cfs streams but has shorelines. Island County has no 1,000 cfs MAF rivers of statewide significance.		
(72) Wishkah River (W. Fk.)	<u>Humptulips</u> 15	From the confluence of West Fork Wishkah River and unnamed creek (Sec. 15, T20N, R9W) downstream to mouth at Wishkah River (Sec. 22, T19N, R9W).	[Order 73-14, § 173-18-190, filed 8/27/73; Order DE 72-13, § 173-18-190, filed 6/30/72.]		
(73) Wishkah River (E. Fk.)	<u>Wynoochee Valley</u> 15 Humptulips 15	From the confluence of the East Fork Wishkah River and unnamed creek (Sec. 28, T20N, R8W) downstream to mouth at Wishkah River (Sec. 2, T18N, R9W).	WAC 173-18-200 Jefferson County. Streams		
			<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
			(1) Big Quilcene River	<u>Mt. Walker</u> 7 1/2 Quilcene 7 1/2	From the Olympic National Forest boundary (Sec. 27, T27N, R2W) downstream to mouth at Quilcene Bay (Sec. 19, T27N, R1W).
			(2) Bogachiel River*	Indian Pass* 7 1/2 Anderson Creek 7 1/2 Reade Hill 7 1/2	From the Olympic National Forest boundary (Sec. 4, T27N, R12W) downstream to the Clallam County line (Sec. 2, T27N, R13W). The flow exceeds 1,000 cfs MAF at Olympic National Park boundary.

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(3) Cedar Creek	<u>Destruction Island</u> 15	From the confluence of Cedar Creek and the South Fork of Cedar Creek (Sec.34, T26N, R13W) downstream to the Olympic National Park boundary (Sec.33, T26N, R13W).	(12) Hoh River (S. Fk.)	<u>Mt. Tom</u> 15	From the Olympic National Park boundary (Sec.2, T26N, R10W) downstream to the Olympic National Forest boundary (Sec.29, T27N, R10W).
(4) Chimacum Creek	<u>Port Townsend</u> S. 7 1/2	From the confluence of Chimacum Creek and unnamed creek in Chimacum Valley (Sec.11, T29N, R1W) downstream to mouth at Bay of Port Townsend (Sec.35, T30N, R1W) near Irondale.	(13) Hurst Creek	<u>Destruction Island</u> 15	From an approximate point near the north line of (SE1/4 of NW1/4 of NE1/4 of Sec.17, T24N, R12W) downstream to mouth at the Clearwater River (Sec.19, T24N, R12W).
(5) Christmas Creek	<u>Salmon River</u> 15	From an approximate point near the center of (NE1/4 of Sec.2, T25N, R12W) downstream to mouth at Clearwater River (Sec.22, T25N, R12W).	(14) Kalaloch Creek	<u>Destruction Island</u> 15	From the confluence of Kalaloch Creek and West Fork Kalaloch Creek (Sec.17, T25N, R13W) downstream to the Olympic National Park boundary (Sec.3, T24N, R13W).
(6) Clearwater River*	<u>Kloochman Rock</u> 15 <u>Salmon River*</u> 15 <u>Destruction Island</u> 15	From the confluence of Clearwater River and unnamed creek (Sec.25, T26N, R10W) downstream (excluding federal lands) to Quinault Indian Reservation (Sec.29, T24N, R12W). The 1,000 cfs MAF point begins at mouth of Miller Creek (Sec.27, T25N, R12W).	(15) Little Quilcene River	<u>Mt. Walker</u> 7 1/2 <u>Quilcene</u> 7 1/2	From the Olympic National Forest boundary (Sec.33, T28N, R2W) downstream to mouth at Quilcene Bay (Sec.18, T27N, R1W).
(7) Dosewallips River	<u>Brinnon</u> 7 1/2	From the Olympic National Forest boundary between (Sec.25, T26N, R3W) and (Sec.30, T26N, R2W) downstream to mouth at Dabob Bay near Brinnon (Sec.2, T25N, R2W).	(16) Maple Creek	<u>Spruce Mt.</u> 15	From the confluence of Maple Creek and Dry Creek (Sec.3, T26N, R11W) downstream to Hoh River (Sec.35, T27N, R11W).
(8) Duckabush River	<u>Brinnon</u> 7 1/2	From the Olympic National Forest boundary between (Sec.17 & 18, T25N, R2W) downstream to mouth at Hood Canal (Sec.21, T25N, R2W).	(17) Matheny Creek	<u>Salmon River</u> 15	From the Olympic National Forest boundary (Sec.24, T24N, R11W) downstream to the Olympic National Park boundary (Sec.22, T24N, R11W).
(9) Fulton Creek	<u>Brinnon</u> 7 1/2 <u>Holly</u> 7 1/2	From the confluence of Fulton Creek and the South Fork of Fulton Creek (Sec.30, T25N, R2W) downstream to mouth at Hood Canal (Sec.31, T25N, R2W).	(18) Miller Creek	<u>Destruction Island</u> 15 <u>Salmon River</u> 15	From the confluence of Miller Creek and unnamed creek (Sec.17, T25N, R12W) downstream to mouth at Clearwater River (Sec.27, T25N, R12W).
(10) Goodman Creek	<u>Forks</u> 15 <u>LaPush</u> 15	From the confluence of Goodman Creek and unnamed creek (Sec.23, T27N, R13W) downstream to Olympic National Park boundary (Sec.23, T27N, R14W).	(19) Miller Creek (E. Fk.)	<u>Salmon River</u> 15	From the confluence of the East Fork Miller Creek and unnamed creek (Sec.15, T25N, R12W) downstream to mouth at Miller Creek (Sec.27, T25N, R12W).
(11) Hoh River*	<u>Spruce Mt.*</u> 15 <u>Forks</u> 15 <u>Destruction Island</u> 15	From the Olympic National Park boundary (Sec.29, T27N, R10W) downstream to Hoh Indian Reservation boundary (Sec.20, T26N, R13W). The 1,000 cfs MAF point starts at the Olympic National Park boundary.	(20) Minter Creek	<u>Forks</u> 15	From the intersection of the north line of (Sec.30, T27N, R13W) and Minter Creek, downstream to Goodman Creek (Sec.24, T27N, R14W).
			(21) Mosquito Creek	<u>Forks</u> 15	From the intersection of north line of (Sec.5, T26N, R13W) and Mosquito Creek, downstream to Olympic National Park boundary (Sec.36, T27N, R14W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(22) Nolan Creek	<u>Destruction Island</u> 15 Forks 15	From an approximate point on the north line of (NE1/4 of SW1/4 of Sec.21, T26N, R12W) downstream to mouth at Hoh River (Sec.23, T26N, R13W).	(31) Quinalt River*	<u>Mt. Christie*</u> 15 Kloochman Rock 15	From east section line (Sec.33, T24N, R8W) downstream to Jefferson/Grays Harbor County line (Sec.1, T23N, R9W). Exclude federal land. The flow is over 1000 cfs MAF at east section line (Sec.33, T24N, R8W).
(23) Owl Creek	<u>Spruce Mt.</u> 15	From an approximate point near the center of the north line of (SW1/4 of NE1/4 of Sec.8, T26N, R10W) downstream to mouth at Hoh River (Sec.35, T27N, R11W).	[Statutory Authority: RCW 90.58.200. 90-06-068 (Order 89-60), § 173-18-200, filed 3/6/90, effective 4/6/90; Order DE 76-14, § 173-18-200, filed 5/3/76; Order 73-14, § 173-18-200, filed 8/27/73; Order DE 72-13, § 173-18-200, filed 6/30/72.]		
(24) Salmon River	<u>Salmon River</u> 15	From the Olympic National Forest boundary (Sec.36, T24N, R11W) downstream back to said boundary (Sec.35) coming out of Indian Reservation (Sec.36, T24N, R12W) returning to Indian Reservation and coming out again (Sec.35, T24N, R12W) downstream to Olympic National Forest boundary (same section).	WAC 173-18-210 King County. Streams		
(25) Shale Creek	<u>Salmon River</u> 15 <u>Destruction Island</u> 15	From an approximate point near the NE corner of the (SE1/4 of SW1/4 of Sec.26, T25N, R12W) downstream to mouth at Clearwater River (Sec.28, T25N, R12W).	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(26) Snahapish River	<u>Salmon River</u> 15	From the intersection of Snahapish River and unimproved road (Sec.21, T26N, R11W) downstream to mouth at Clearwater River (Sec.19, T25N, R11W).	(1) Bear Creek	<u>Eagle Gorge</u> 7 1/2	From an approximate point (NE corner of SE1/4 of SW1/4 of NW1/4 of Sec.28, T21N, R8E) downstream to mouth at Green River (Sec.20, same township).
(27) Snow Creek	<u>Uncas</u> 7 1/2	From the confluence of Snow Creek and unnamed creek from Crocker Lake (Sec.2, T28N, R2W) downstream to mouth at Port Discovery (Sec.24, T29N, R2W).	(2) Bear Creek	<u>Everett</u> 15 <u>Bothell</u> 7 1/2	From the intersection of Bear Creek and the east section line (Sec.9, T26N, R5E) downstream to mouth at Sammamish River (same section).
(28) Solleks River	<u>Kloochman Rock</u> 15 <u>Salmon River</u> 15	From the confluence of Solleks River and unnamed creek (Sec.2, T25N, R10W) downstream to mouth at Clearwater River (Sec.10, T25N, R11W).	(3) Bear	<u>Redmond</u> 7 1/2	From the confluence with Seidel Creek (Sec.20, T26N, R6E) downstream to mouth (Sec.6, T25N, R6E).
(29) Stequaleho Creek	<u>Salmon River</u> 15	From the confluence of the Stequaleho Creek and unnamed creek (Sec.19, T25N, R10W) downstream to mouth at Clearwater River (Sec.16, T25N, R11W).	(4) Beckler River (Cont.)	<u>Skykomish</u> 7 1/2	From the Snohomish County line (Sec.5, T26N, R12E) downstream to Skykomish River (South Fork) (Sec.25, T26N, R11E).
(30) Winfield Creek	<u>Spruce Mt.</u> 15	From the confluence of Winfield Creek and unnamed creek (Sec.1, T26N, R12W) downstream to mouth at the Hoh River (Sec.27, T27N, R12W).	(5) Big Soos Creek	<u>Auburn</u> 7 1/2	From the confluence of the Big Soos Creek and the Little Soos Creek (Sec.35, T22N, R5E) downstream to mouth at Green River (Sec.16, T21N, R5E).
			(6) Black River	<u>Renton</u> 7 1/2 <u>Des Moines</u> 7 1/2	From confluence of Spring Brook Creek and Black River (Sec.13, T23N, R4E) downstream to mouth of Duwamish River (Sec.14, same township).
			(7) Boise Creek	<u>Enumclaw</u> 15 <u>Enumclaw</u> 7 1/2 <u>Buckley</u> 7 1/2	From an approximate point (NW corner of the SE1/4 of SE1/4 of NE 1/4 of Sec.28, T20N, R7E) downstream to mouth at White River (Sec.34, T20N, R6E).
			(8) Boxley Creek	<u>Bandera</u> 15	From an approximate point (NW1/4 of SW1/4 of Sec.25, T23N, R8E) downstream to mouth at South Fork Snoqualmie River (Sec.24, same township).
			(9) Calligan Creek	<u>Mount Si</u> 15	From an approximate point (SE1/4 of NE1/4 of Sec.3, T24N, R9E) downstream through Calligan Lake to mouth at Snoqualmie River (North Fork) (Sec.31, T25N, R9E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(10) Carroll Creek	<u>Scenic</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.35, T26N, R12E) downstream to mouth at Tye River (Sec.26, same township).	(22) Green River*	<u>Lester</u> 15 Greenwater 15 Bandera 15 Eagle Gorge* 7 1/2 Cumberland 7 1/2 Black Diamond 7 1/2 Auburn 7 1/2 Renton 7 1/2 Des Moines 7 1/2 Seattle South 7 1/2	From confluence of Green River and Tacoma Creek (Sec.35, T20N, R11E) downstream thru Duwamish River to mouth on Elliott Bay (Sec.18, T24N, R4E) (thru Howard Hanson Reservoir also). The 1,000 cfs MAF point begins at the toe of Howard A. Hanson Dam (Sec.28, T21N, R8E). From the Snoqualmie National Forest boundary (Sec.18, T21N, R9E) downstream to mouth at Howard Hanson Reservoir (Sec.22, T21N, R8E).
(11) Cedar River	<u>North Bend</u> 7 1/2 Hobart 7 1/2 Maple Valley 7 1/2 Renton 7 1/2 Mercer Island 7 1/2 Cumberland 7 1/2	From east section line (Sec.9, T21N, R10E) downstream to mouth at Lake Washington in Renton (Sec.7, T23N, R5E), excluding all federal lands.	(23) Green River (N. Fk.)	<u>Bandera</u> 15 Eagle Gorge 7 1/2	From the Snoqualmie National Forest boundary (Sec.18, T21N, R9E) downstream to mouth at Howard Hanson Reservoir (Sec.22, T21N, R8E).
(12) Champion Creek	<u>Greenwater</u> 15	From the confluence of Champion Creek and unnamed creek (Sec.28, T20N, R10E) downstream to mouth at Green River (Sec.20, same township).	(24) Greenwater River	<u>Lester</u> 15 Greenwater 15	From the Snoqualmie National Forest boundary (Sec.31, T19N, R11E) downstream to White River (along the northerly shore only) (Sec.4, T19N, R9E). Exclude federal lands.
(13) Charley Creek	<u>Eagle Gorge</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.3, T20N, R8E) downstream to mouth at Howard Hanson Reservoir (Sec.34, T21N, R8E).	(25) Griffin Creek	<u>Lake Joy</u> 7 1/2 Snoqualmie 7 1/2 Fall City 7 1/2	From the confluence of Griffin Creek and East Fork Griffin Creek (Sec.19, T25N, R8E) downstream to mouth at the Snoqualmie River (Sec.28, T25N, R7E).
(14) Cherry Creek	<u>Monroe</u> 15 Monroe 7 1/2 Carnation 7 1/2	From the confluence of Cherry Creek and Hannen Creek (Sec.2, T26N, R7E) downstream to mouth at Snoqualmie River (Sec.6, same township).	(26) Hancock Creek	<u>Mount Si</u> 15	From an approximate point (NE1/4 of NW 1/4 of Sec.15, T24N, R9E) downstream to mouth at Lake Hancock thence downstream to North Fork Snoqualmie River (Sec.7, same township).
(15) Coal Creek	<u>Cumberland</u> 7 1/2	From the confluence of Coal Creek and unnamed creek (Sec.27, T21N, R7E) downstream to mouth at Fish Lake (Sec.31, same township).	(27) Harris Creek	<u>Carnation</u> 7 1/2	From the intersection of Harris Creek and Swan Mill Road (Sec.34, T26N, R7E) downstream to mouth at Snoqualmie River (Sec.5, T25N, R7E).
(16) Covington Creek	<u>Black Diamond</u> 7 1/2 Auburn 7 1/2	From the confluence of waters from Lake Sawyer (Sec.4, T21N, R6E) downstream to mouth at Big Soos Creek (Sec.11, T21N, R5E).	(28) Index Creek	<u>Index</u> 15 Baring 7 1/2	From the Snoqualmie National Forest boundary (Sec.10, T26N, R10E) downstream to mouth at South Fork Skykomish River (Sec.2, same township).
(17) Evans Creek	<u>Redmond</u> 7 1/2	From the confluence of Evans Creek and unnamed creek (Sec.8, T25N, R6E) downstream to mouth at Sammamish River (Sec.11, T25N, R5E).	(29) Issaquah Creek	<u>Hobart</u> 7 1/2 Maple Valley 7 1/2 Issaquah 7 1/2	From the confluence of Holder Creek and Carey Creek (Sec.25, T23N, R6E) downstream to mouth at Sammamish Lake (Sec.17, T24N, R6E).
(18) Foss River	<u>Skykomish</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.32, T26N, R12E) downstream (excluding portion of federal lands) to mouth at Skykomish River (Sec.31, same township).	(30) Jenkins Creek	<u>Black Diamond</u> 7 1/2 Auburn 7 1/2	From the intersection of Jenkins Creek and light-duty county road (Sec.36, T22N, R5E) downstream to mouth at Big Soos Creek (Sec.2, T21N, R5E).
(19) Friday Creek	<u>Lester</u> 15	From the confluence of Friday Creek and unnamed creek (Sec.18, T20N, R11E) downstream to mouth at the Green River (same section).	(31) Kimball Creek	<u>Snoqualmie</u> 7 1/2	From the confluence of Coal Creek and Kimball Creek (Sec.31, T24N, R8E) downstream to mouth at Snoqualmie River (Sec.30, same township).
(20) Gale Creek	<u>Bandera</u> 15	From the confluence of Gale Creek and unnamed creek (Sec.36, T21N, R8E) downstream to mouth at Howard Hanson Reservoir (same section).			
(21) Granite Creek	<u>Bandera</u> 15	From an approximate point (SE1/4 of SE1/4 of SW1/4 of Sec.11, T23N, R9E) downstream to mouth at the Middle Fork Snoqualmie River (Sec.10, same township).			

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(32) Maloney Creek	<u>Skykomish</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.35, T26N, R11E) downstream to mouth at South Fork Skykomish River (Sec.26, same township).	(43) Pratt River	<u>Snoqualmie Pass</u> 15 Bandera 15 Mount Si 15	From east section line (Sec.27, T23N, R10E) downstream to mouth on Middle Fk. Snoqualmie R. (Sec.31, T24N, R10E) excluding federal lands.
(33) Martin Creek	<u>Scenic</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.13, T26N, R12E) downstream to federal boundary (Sec.25, same township).	(44) Raging River	<u>North Bend</u> 7 1/2 Hobart 7 1/2 Fall City 7 1/2	From the confluence of Raging River and unnamed stream (SE1/4 of NW1/4 Sec.25, T23N, R7E) downstream to mouth at Snoqualmie River (Sec.14, T24N, R7E) near Fall City.
(34) May Creek	<u>Mercer Island</u> 7 1/2	From the intersection of May Creek and light-duty road (SE1/4, SE1/4 Sec.32, T24N, R5E) downstream to mouth at Lake Washington (same section).	(45) Rock Creek	<u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.34, T20N, R10E) downstream to mouth at Green River (Sec.21, same township).
(35) Mercer Slough	<u>Mercer Island</u> 7 1/2	From the east section line (Sec.5, T24N, R5E) downstream through Mercer Slough to mouth at East Channel (Sec.8, same township).	(46) Rock Creek	<u>Hobart</u> 7 1/2	From the confluence of Rock Creek and waters from the diversion ditch (Sec.16, T22N, R7E) downstream to mouth at the Cedar River (Sec.17, same township).
(36) Miller River	<u>Grotto</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.33, T26N, R11E) downstream, excluding those reaches within Snoqualmie National Forest, to mouth at Skykomish River (Sec.28, same township).	(47) Rock Creek	<u>Maple Valley</u> 7 1/2	From the intersection of county road, railroad and Rock Creek (Sec.22, T22N, R6E) downstream to Cedar River (Sec.23, same township).
(37) Money Creek	<u>Grotto</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.28, T26N, R11E) downstream back to the Snoqualmie National Forest boundary (same section).	(48) Sammamish River	<u>Redmond</u> 7 1/2 Kirkland 7 1/2 River Bothell 7 1/2 Edmonds East 7 1/2	From Sammamish Lake (Sec.13, T25N, R5E) downstream to mouth at Lake Washington (Sec.11, T26N, R4E).
(38) Newaukum Creek	<u>Enumclaw</u> 15 Enumclaw 7 1/2 Buckley 7 1/2 Black Diamond 7 1/2	From the confluence of Newaukum Creek and unnamed creek (Sec.7, T20N, R7E) downstream to mouth at the Green River (Sec.29, T21N, R6E).	(49) Sawmill Creek	<u>Lester</u> 15	From the Snoqualmie National Forest boundary (Sec.30, T20N, R11E) downstream, excluding all federal lands to mouth at Green River (Sec.24, T20N, R10E).
(39) North Creek (Cont.)	<u>Everett</u> 15 Bothell 7 1/2	From King County and Snohomish County line (Sec.5, T26N, R5E) downstream to mouth at Sammamish River (Sec.8, same township).	(50) Scatter Creek	<u>Enumclaw</u> 15	From the confluence of Scatter Creek and unnamed creek (Sec.2, T19N, R7E) downstream to mouth at the White River (Sec.11, same township).
(40) North Fork Creek	<u>Lake Joy</u> 7 1/2	From the beginning of creek at swamp (Sec.18, T26N, R8E) downstream to mouth at North Fork Tolt River (Sec.29, same township).	(51) Skykomish River* (S. Fk.)	<u>Skykomish*</u> 7 1/2 Grotto 7 1/2 Baring 7 1/2	From confluence of Tye River and Foss River (Sec.31, T26N, R12E) downstream to Snohomish County line (Sec.3, T26N, R10E) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Beckler Creek (Sec.25, T26N, R11E).
(41) Patterson Creek	<u>Fall City</u> 7 1/2	From the confluence of Patterson Creek and Canyon Creek (Sec.8, T24N, R7E) downstream to mouth at the Snoqualmie River (Sec.4, same township).	(52) Smay Creek	<u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.7, T20N, R10E) downstream to mouth at Green River (Sec.13, T20N, R9E).
(42) Philippa Creek	<u>Mount Si</u> 15	From an approximate point (SE1/4 of Sec.22, T25N, R9E) downstream to mouth at Snoqualmie River (Sec.15, same township).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(53) Snoqualmie River*	<u>Snoqualmie</u> * 7 1/2 Fall City 7 1/2 Carnation 7 1/2 Redmond 7 1/2 Monroe 7 1/2	From the confluence of Middle Fork and South Fork of Snoqualmie River (Sec.33, T24N, R8E) downstream to Snohomish County line (Sec.6, T26N, R7E). The 1,000 cfs MAF point begins at confluence of Middle Fork and South Fork Snoqualmie River.	(63) Tokul Creek	<u>Lake Joy</u> 7 1/2 Snoqualmie 7 1/2	From the confluence of Tokul Creek and Beaver Creek (Sec.21, T25N, R8E) downstream to mouth at Snoqualmie River (Sec.24, T24N, R7E).
(54) Snoqualmie River (M. Fk.)*	<u>Mount Si</u> * 15 Bandera 15 North Bend 7 1/2 Snoqualmie 7 1/2	From Snoqualmie National Forest boundary (Sec.26, T24N, R10E) downstream to confluence with South Fork of Snoqualmie River (Sec.33, T24N, R8E), excluding all federal lands. The 1,000 cfs MAF point begins at Snoqualmie National Forest boundary.	(64) Tolt River	<u>Lake Joy</u> 7 1/2	From the confluence of North Fork Tolt River and South Fork Tolt River (Sec.31, T26N, R8E) downstream to mouth at Snoqualmie River (Sec.21, T25N, R7E).
(55) Snoqualmie River (N. Fk.)	<u>Mount Si</u> 15 Snoqualmie 7 1/2 North Bend 7 1/2	From the Snoqualmie National Forest boundary (Sec.12, T25N, R9E) downstream to mouth at Snoqualmie River (Main Fork) (Sec.34, T24N, R8E).	(65) Tolt River (N. Fk.)	<u>Mount Si</u> 15 <u>Lake Joy</u> 7 1/2	From confluence with Titi-caed Creek (Sec.12, T26N, R9E) downstream to mouth at Tolt River (Sec.31, T26N, R8E).
(56) Snoqualmie River (S. Fk.)	<u>Bandera</u> 15 North Bend 7 1/2 Snoqualmie 7 1/2	From the Snoqualmie National Forest boundary (Sec.33, T23N, R11E) downstream to confluence with Snoqualmie River (Main Fork) (Sec.33, T24N, R8E) excluding all federal lands.	(66) Tolt River (S. Fk.)	<u>Mount Si</u> 15 <u>Lake Joy</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.31, T26N, R10E) downstream to mouth at Tolt River (Sec.31, T26N, R8E).
(57) Spring Brook Creek	<u>Renton</u> 7 1/2	From the intersection of Spring Brook Creek and medium-duty road (SW1/4 of NE1/4 of Sec.24, T23N, R4E) downstream to mouth at Black River (Sec.13, same township).	(67) Tye River	<u>Scenic</u> 7 1/2 <u>Skykomish</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.26, T26N, R12E) downstream to mouth at Skykomish River (Sec.31, same township) excluding all federal lands.
(58) Sunday Creek	<u>Lester</u> 15	From the Snoqualmie National Forest boundary (Sec.3, T20N, R11E) downstream to mouth at the Green River (Sec.18, T20N, R11E) Exclude federal lands.	(68) Unnamed Tributary to Index Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.10, T26N, R10E) downstream to mouth at Index Creek (same section).
(59) Sunday Creek	<u>Mount Si</u> 15	From the Snoqualmie National Forest boundary (Sec.13, T25N, R9E) downstream to mouth at the North Fork Snoqualmie River (Sec.15, same township).	(69) Unnamed Tributary to Snoqualmie River (N. Fk.)	<u>Mount Si</u> 15	From the confluence of unnamed tributary to Snoqualmie River (North Fork) and another unnamed creek (Sec.29, T24N, R9E) downstream to mouth at North Fork Snoqualmie River (Sec.19, same township).
(60) Swamp Creek (Cont.)	<u>Bothell</u> 7 1/2	From Snohomish County line (Sec.2, T26N, R4E) downstream to mouth at Sammamish River (Sec.12, same township).	(70) Unnamed Tributary to Tolt River (S. Fk.)	<u>Mount Si</u> 15	From the confluence of unnamed tributary to Tolt River South Fork and another unnamed stream (Sec.35, T26N, R8E) downstream to South Fork Tolt River (same section).
(61) Taylor Creek	<u>Eagle Gorge</u> 7 1/2 North Bend 7 1/2	From confluence of Middle Fork and South Fork Taylor Creek (Sec.32, T22N, R8E) downstream to mouth at Cedar River (Sec.13, T22N, R7E).	(71) White River*	<u>Greenwater</u> * 15 Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Auburn 7 1/2	From confluence of White River and Greenwater River (Sec.4, T19N, R9E) downstream following King-Pierce County line to Pierce County line (Sec.36, T21N, R4E) excluding Indian Reservation lands. The 1,000 cfs MAF point begins at mouth of Greenwater River.
(62) Ten Creek	<u>Snoqualmie</u> 7 1/2	From the intersection of light-duty road and Ten Creek (Sec.11, T24N, R8E) downstream to mouth at Tokul Creek (Sec.9, same township).	(72) Issaquah Creek (E. Fk.)	<u>Issaquah</u> 7 1/2	From railroad bridge (SE1/4 Sec.27, T24N, R6E) downstream to mouth at Issaquah Creek (Sec.28, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(73) Cedar River (N. Fk.)	<u>Snoqualmie Pass</u> 15	From confluence of Cedar River North Fk. and unnamed creek (Sec.7, T21N, R11E) downstream to mouth at Cedar River (Sec.10, T21N, R10E) excluding federal lands.
(74) Cedar River (S. Fk.)	<u>Snoqualmie Pass</u> 15	From Snoqualmie National Forest boundary, east line of (Sec.23, T21N, R10E) downstream to mouth at Cedar River (Sec.10, T21N, R10E) excluding federal lands.
(75) Rex River	<u>Bandera</u> 15	From Snoqualmie National Forest south boundary (Sec.11, T21N, R9E). downstream to mouth at Chester Morse Lake (Sec.19, T22N, R9E).
(76) Taylor Creek (M. Fk.)	<u>Eagle Gorge</u> 7 1/2	From confluence of unnamed tributary (NE1/4 of NE1/4 Sec.34, T22N, R8E) downstream to mouth at Taylor Creek (Sec.32, T22N, R8E).
(77) Taylor Creek (N. Fk.)	<u>Eagle Gorge</u> 7 1/2	From the bridge crossing in (NW1/4, NW1/4 Sec.29, T22N, R8E) downstream to mouth at Taylor Creek (Sec.29, T22N, R8E).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-210, filed 6/30/80; Order DE 77-15, § 173-18-210, filed 9/1/77; Order DE 76-14, § 173-18-210, filed 5/3/76; Order 73-14, § 173-18-210, filed 8/27/73; Order DE 72-13, § 173-18-210, filed 6/30/72.]

WAC 173-18-220 Kitsap County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Beef Creek	<u>Wildcat Lake</u> 7 1/2 <u>Seabeck</u> 7 1/2	From the confluence of Big Beef Creek and unnamed creek (Sec.34, T25N, R1W) downstream to mouth at Big Beef Harbor (Sec.15, same township).
(2) Black Jack Creek	<u>Bremerton West</u> 7 1/2	From the confluence of Black Jack Creek and unnamed creek (Sec.11, T23N, R1E) downstream to mouth at Sinclair Inlet (Sec.25, T24N, R1E).
(3) Burley Creek	<u>Burley</u> 7 1/2	From the confluence of Burley Creek and unnamed creek (Sec.12, T22N, R1E) downstream to mouth at Burley Lagoon (same section).
(4) Chico Creek	<u>Bremerton West</u> 7 1/2	From the confluence of Chico Creek and Dickerson Creek (Sec.8, T24N, R1E) downstream to mouth in Chico Bay on Dyes Inlet (Sec.5, same township).
(5) Curley Creek	<u>Bremerton East</u> 7 1/2	From an approximate point (NE1/4 of NE1/4 of Sec.8, T23N, R2E) downstream to mouth at Yukon Harbor (Sec.33, T24N, R2E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(6) Tahuya River	<u>Wildcat Lake</u> 7 1/2	From the confluence of the Tahuya River and unnamed creek (Sec.25, T24N, R2W) downstream to Mason County line (Sec.1, T23N, R2W).
(7) Union River	<u>Wildcat Lake</u> 7 1/2 <u>Belfair</u> 7 1/2	From the confluence of Union River and East Fork Union River (Sec.10, T23N, R1W) downstream to Mason Co. line (Sec.9, T23N, R1W).

[Order 73-14, § 173-18-220, filed 8/27/73; Order DE 72-13, § 173-18-220, filed 6/30/72.]

WAC 173-18-230 Kittitas County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Creek	<u>Easton</u> 15	From the Wenatchee National Forest boundary (Sec.35, T20N, R13E) downstream (excluding federal lands) to mouth at Yakima River (Sec.21, T20N, R14E).
(2) Cabin Creek	<u>Lester</u> 15 <u>Easton</u> 15	From Wenatchee National Forest boundary (Sec.19, T20N, R13E) downstream to mouth on Yakima River (Sec.9, T20N, R13E).
(3) Cle Elum River*	<u>Kachess Lake*</u> 15 <u>Easton</u> 15 <u>Cle Elum</u> 15	From the Wenatchee National Forest boundary crossing Cle Elum Lake (Sec.33, 34 & 35, T21N, R14E) downstream to mouth at Yakima River (Sec.32, T20N, R15E). The stream flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(5) Columbia River (Cont.)*	<u>Rock Island Dam*</u> 7 1/2 <u>West Bar</u> 7 1/2 <u>Babcock Ridge</u> 7 1/2 <u>Cape Horn S.E.</u> 7 1/2 <u>Evergreen</u> 7 1/2 <u>Vantage</u> 7 1/2 <u>Beverly</u> 7 1/2 <u>Priest Rapids</u> 7 1/2 <u>Kachess Lake*</u> 15	From the Chelan Co. line on the Columbia River (Sec.5, T20N, R22E) downstream along the Douglas and Kittitas Co. line to Yakima Co. (Sec.32, T15N, R23E). The stream flow exceeds 200 cfs MAF at Chelan Co. line.
(6) Kachess River*	<u>Kachess Lake*</u> 15	From the Wenatchee National Forest (Sec.3, T20N, R13E) downstream through Lake Easton State Park and to mouth at Yakima River (same section). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(7) Little Creek	<u>Easton</u> 15	From the Wenatchee National Forest boundary (Sec.33, T20N, R14E) (excluding all federal lands) downstream to mouth at Yakima River (Sec.22, T20N, R14E).
(8) Log Creek	<u>Lester</u> 15	From confluence of Log Creek and unnamed creek (NW1/4, SW1/4 Sec.31, T20N, R13E) downstream to mouth on Cabin Creek (Sec.19, T20N, R13E).
(9) Manastash Creek	<u>Yakima (AMS)</u> <u>Ellensburg</u> 15 <u>Ellensburg S.</u> 7 1/2	From confluence of North and South Forks Manastash Creek (Sec.17, T17N, R17E) downstream to mouth on Yakima River (Sec.4, T17N, R18E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(10) Manastash Creek (South Fork)	<u>Cle Elum</u> 15 Ellensburg 15 Manastash Lake 7 1/2	From the Wenatchee National Forest boundary (Sec.31, T18N, R16E) downstream to mouth at Manastash Creek (Sec.17, T17N, R17E).
(11) Swauk Creek	<u>Thorp</u> 15	From the Wenatchee National Forest boundary (Sec.10, T20N, R17E) downstream (excluding all federal lands) to mouth at Yakima River (Sec.20, T19N, R17E).
(12) Taneum Creek	<u>Cle Elum</u> 15 Thorp 7 1/2	From Wenatchee National Forest boundary (Sec.30, T19N, R16E) downstream (excluding all federal lands) to mouth on Yakima River (Sec.33, T19N, R17E).
(13) Teanaway River*	<u>Mt. Stuart</u> * 15 Cle Elum 15	From the confluence of the Middle Fork and the West Fork Teanaway River (Sec.6, T20N, R16E) downstream to Yakima River (Sec.3, T19N, R16E). The 200 cfs MAF point begins at confluence of West Fork & North Fork Teanaway River (Sec.6, T20N, R16E).
(14) Teanaway River (M. Fk.)	<u>Mt. Stuart</u> 15	From the Wenatchee National Forest boundary (Sec.15, T21N, R15E) downstream to mouth at Teanaway River (Sec.6, T20N, R16E).
(15) Teanaway River (N. Fk.)	<u>Mt. Stuart</u> 15	From the Wenatchee National Forest boundary (Sec.4, T21N, R16E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N, R16E).
(16) Teanaway River (W. Fk.)	<u>Kachess Lake</u> 15 Mt. Stuart 15	From the Wenatchee National Forest boundary (Sec.30, T21N, R15E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N, R16E).
(17) Wilson Creek*	<u>Ellensburg So.</u> * 7 1/2 Kittitas 7 1/2	From mouth at Naneum Creek (Sec.30, T17N, R19E) downstream to mouth on Yakima River (Sec.31, T17N, R19E). This stream has over 300 sq. miles of drainage area ending at mouth of Cherry Creek (Sec.31, T17N, R19E).
(18) Yakima River*	<u>Snoqualmie Pass</u> * 15 Kachess 15 Easton 15 Cle Elum 15 Thorp 7 1/2 Ellensburg North 7 1/2 Ellensburg South 7 1/2 Wyrmer 7 1/2 Pamona 7 1/2 Kittitas 7 1/2	From the Wenatchee National Forest boundary (Sec.15, T21N, R12E) downstream (excluding all federal lands) to the Yakima Co. line (Sec.33, T15N, R19E). The stream flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(19) Little Naches River*	<u>Lester</u> 15 Easton 15* Cliffdell 7 1/2	From confluence of North Fork & Middle Fork of Little Naches River (Sec.31, T19N, R12E) downstream left bank to mouth of Naches River (Sec.4, T17N, R14E). Exclude federal lands. The 200 cfs MAF point begins at confluence with Crow Creek (Sec.30, T18N, R14E).

[Order DE 77-15, § 173-18-230, filed 9/1/77; Order DE 76-14, § 173-18-230, filed 5/3/76; Order 73-14, § 173-18-230, filed 8/27/73; Order DE 72-13, § 173-18-230, filed 6/30/72.]

WAC 173-18-240 Klickitat County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Bowman Creek	<u>Klickitat</u> 15	From the confluence of Bowman Creek and unnamed creek (Sec.35, T5N, R14E) downstream to mouth at Little Klickitat River (Sec.10, T4N, R14E).
(2) Buck Creek	<u>Willard</u> 15	From the confluence of Buck Creek and unnamed creek (Sec.16, T4N, R10E) downstream to Skamania County line (Sec.35, same township).
(3) Columbia River (Cont.)*		All Columbia River within Klickitat County is under federal jurisdiction. Stream flow exceeds 200 cfs MAF.
(4) Dead Canyon Creek	<u>Klickitat</u> 15	From the confluence of Dead Canyon Creek and unnamed creek (Sec.2, T5N, R13E) downstream to mouth at Klickitat River (Sec.12, same township).
(5) Gilmer Creek	<u>Husum</u> 15 Willard 15	From the confluence of Gilmer Creek and Hangman Creek (Sec.1, T4N, R10E) downstream to mouth at White Salmon River (Sec.2, T4N, R10E).
(6) Klickitat River*	<u>Mt. Adams</u> 30 Klickitat* 15 The Dalles 15 White Salmon 15	From Yakima Indian Reservation (Sec.24, T6N, R13E) downstream to mouth on Columbia River (Sec.34, T3N, R12E). The stream flow exceeds 200 cfs MAF at Yakima Co. line.
(7) Little Klickitat River (E. Prong)	<u>Satus Pass</u> 15 Goldendale 15 Klickitat 15	From the confluence of Little Klickitat River, E. Prong and Dry Creek (Sec.10, T5N, R17E) downstream to mouth at Klickitat River (Sec.9, T4N, R14E).
(8) Major Creek	<u>Husum</u> 15 White Salmon 15	From the confluence of Major Creek, East Fork and West Fork (Sec.12, T3N, R11E) downstream to mouth at Columbia River (Sec.31, T3N, R12E).
(9) Mill Creek	<u>Goldendale</u> 15 Klickitat 15	From the confluence of Mill Creek and unnamed creek (Sec.13, T4N, R14E) downstream to mouth at Little Klickitat River (Sec.14, same township).
(10) Rattlesnake Creek	<u>Husum</u> 15	From the confluence of Rattlesnake Creek and unnamed creek (Sec.29, T5N, R12E) downstream to mouth at White Salmon River (Sec.30, T4N, R11E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(11) Rock Creek	<u>Satus Pass</u> 15 Goodnoe Hills 7 1/2 The Dalles AMS (1:250,000)	From the confluence of Rock Creek and Luna Gulch (Sec.23, T4N, R18E) downstream to mouth at Columbia River (Sec.32, T3N, R19E).	(6) Cedar Creek	<u>Toutle</u> 15	From confluence of Cedar Creek and unnamed Creek (Sec.11, T11N, R1E) downstream to Salmon Creek (Sec.36, T11N, R1W).
(12) Snyder Canyon Creek	<u>Klickitat</u> 15	From an approximate point (NW1/4 of NE1/4 Sec.16, T4N, R13E) downstream to mouth at Klickitat River (Sec.23, T4N, R13E).	(7) Chehalis River*	<u>Skamokawa</u> 15 Pe Ell 15 Adna* 15 Centralia 15 Rochester 15	From confluence of East Fork, West Fork and Chehalis River at (Sec.10, T11N, R5W) downstream to Lewis Co. and Thurston Co. line (Sec.26, T15N, R3W). The 1,000 cfs MAF point begins at mouth of South Fork Chehalis River (Sec.13, T13N, R4W).
(13) Swale Creek	<u>Wishram</u> 15 The Dalles 15 Klickitat 15	From the north section line (Sec.30, T3N, R15E) downstream to the mouth at Klickitat River (Sec.18, T4N, R14E).	(8) Chehalis River (E. Fk.)	<u>Skamokawa</u> 15	From confluence of Chehalis River East Fork and unnamed creek (Sec.27, T11N, R5W) downstream to mouth at confluence of West Fork Chehalis River and Chehalis River (Sec.10, T11N, R5W).
(14) Trout Lake Creek*	<u>Steamboat Mt.</u> 30 Willard* 15	From the Skamania County line (Sec.6, T6N, R10E) downstream through Trout Lake to mouth at White Salmon River (Sec.24, same township). The flow at the Skamania County-Gifford Pinchot National Forest boundary exceeds 200 cfs MAF.	(9) Chehalis River (W. Fk.)	<u>Skamokawa</u> 15	From confluence of Chehalis River West Fork and unnamed creek (Sec.20, T11N, R5W) downstream to mouth at confluence of East Fork and Chehalis River (Sec.10, T11N, R5W).
(15) White Salmon River*	<u>Steamboat Mt.</u> 30 Willard* 15 Husum 15	Beginning at National Forest boundary (Sec.3, T6N, R10E) downstream to mouth at Columbia River (Sec.23, T3N, R10E) excluding that part of west bank within Skamania County. The flow at Gifford Pinchot National Forest boundary exceeds 200 cfs MAF.	(10) Chehalis River (S. Fk.) (Cont.)	<u>Ryderwood</u> 15 Adna 15	Beginning where the Chehalis River South Fork crosses the Lewis Co. and Cowlitz Co. line (Sec.2, T10N, R4W) downstream to mouth at Chehalis River (Sec.13, T13N, R4W).
[Order DE 76-14, § 173-18-240, filed 5/3/76; Order 73-14, § 173-18-240, filed 8/27/73; Order DE 72-13, § 173-18-240, filed 6/30/72.]			(11) Cinnabar Creek	<u>Onalaska</u> 15	Beginning at (NW1/4 of SW1/4 Sec.13, T13N, R2E) downstream to mouth at Tilton River (Sec.26, T13N, R2E).
			(12) Cispus River*	<u>Steamboat Mt.</u> 30 Spirit Lake 15 Greenhorn Buttes 7 1/2 Tower Rock* 7 1/2	Beginning in the Gifford Pinchot National Forest (Sec.18, T11N, R8E) downstream to the mouth at Cowlitz River (Sec.31, T12N, R6E). The 1,000 cfs MAF point is at Gifford Pinchot National Forest boundary. Exclude federal lands.

WAC 173-18-250 Lewis County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Creek	<u>Randle</u> 15 Mineral 15	From confluence of Big Creek and Tealey Creek (Sec.4, T14N, R7E) downstream to mouth at Nisqually River (Sec.34, T15N, R6E).	(13) Coal Creek	<u>Mt. Rainier</u> 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at east section line (Sec.1, T13N, R9E) downstream to mouth at Cowlitz River (same section).
(2) Brim Creek	<u>Ryderwood</u> 15 Castle Rock 15	From confluence of Brim Creek and North Fork at (Sec.24, T11N, R3W) downstream to mouth at Stillwater Creek (Sec.25, T11N, R3W).	(14) Connelly Creek	<u>Morton</u> 15	Beginning at confluence with Heller Creek (Sec.23, T13N, R4E) downstream to mouth at Tilton River (Sec.35, of same township).
(3) Bunker Creek	<u>Adna</u> 15	Beginning in the (SE1/4 of NE1/4 Sec.17, T14N, R4W) downstream to mouth at Chehalis River (Sec.6, T13N, R3W).	(15) Cowlitz River	<u>Mt. Rainier</u> 30 Randle 15 Mineral 15 Spirit Lake 15 Packwood* 15 Greenhorn Butte 7 1/2 Elk Rock 15 Morton 15 Onalaska 15 Toutle 15 Castle Rock 15 Pe Ell 15	Starting at the Gifford Pinchot National Forest boundary (Sec.1, T13N, R9E) downstream to Cowlitz Co. line (Sec.33, T11N, R2W). The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.
(4) Butter Creek	<u>Mt. Rainier</u> 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at (Sec.3, T13N, R9E) downstream to mouth at Cowlitz River (Sec.10 of same township).	(16) Crim Creek		From confluence of Crim Creek and unnamed creek (Sec.19, T12N, R5W) downstream to mouth at Chehalis River (Sec.10, same township).
(5) Catt Creek	<u>Mt. Rainier</u> 30 Mineral 15 Randle 15	Beginning at Snoqualmie National Forest boundary (Sec.13, T14N, R6E) downstream to mouth at Big Creek (Sec.2, T14N, R6E).			

	Stream Name	Quadrangle Name and Size	Legal Description		Stream Name	Quadrangle Name and Size	Legal Description
(17)	Davis Creek	<u>Mt. Rainier</u> 30	Beginning at Gifford Pinchot National Forest boundary north section line (Sec.16, T12N, R8E) downstream to mouth at Cowlitz River (Sec.17, of same township).	(30)	Hall Creek	<u>Mt. Rainier</u> 30 Packwood 15	From the North Sec. line (Sec.27, T13N, R9E) downstream to mouth at Cowlitz River (Sec.33, same township) (exclude all federal land).
(18)	Deep Creek	<u>Adna</u> 15	From confluence of Deep Creek and Tapp Creek (Sec.24, T14N, R4W) downstream to mouth at Bunker Creek (Sec.6, T13N, R3W).	(31)	Hanaford Creek	<u>Onalaska</u> 15 Tenino SW 7 1/2 Centralia 15 Bucoda 7 1/2	Beginning at (NE1/4 of NW1/4 Sec.5, T14N, R1E) downstream to mouth at Skookumchuck River (Sec.33, T15N, R2W).
(19)	Deschutes River	<u>Morton</u> 15 Ohop Valley 15	From confluence of West Fork and Deschutes River (Sec.1, T14N, R3E) downstream to Lewis Co. and Thurston Co. line (Sec.24, T15N, R3E).	(32)	Hanlan Creek	<u>Ryderwood</u> 15	From confluence of Hanlan Creek and unnamed creek (Sec.34, T11N, R4W) downstream to mouth at Chehalis River (Sec.35, of same township).
(20)	Devils Creek	<u>Elk Rock</u> 15 Toutle 15	Starting at (NW1/4 of NW1/4 Sec.31, T11N, R3E) downstream to Lewis Co. and Cowlitz Co. line at SW corner (Sec.36, T11N, R2E).	(33)	Independence Creek	<u>Rochester</u> 15	From confluence of Independence Creek and unnamed creek (Sec.29, T15N, R4W) downstream to Grays Harbor Co. line (Sec.15, T15N, R4W).
(21)	Dillenbaugh Creek	<u>Centralia</u> 15	From confluence of Dillenbaugh Creek and Berwick Creek (Sec.9, T13N, R2W) downstream to mouth at Chehalis River (Sec.31, T14N, R2W).	(34)	Johnson Creek	<u>Mt. Rainier</u> 30 Packwood 15	Beginning where Johnson Creek crosses Gifford Pinchot National Forest boundary (Sec.32, T13N, R9E) downstream to mouth at Cowlitz River (same section).
(22)	East Creek	<u>Mineral</u> 15 Kapowsin 15	Beginning at approximately the 1/4 corner on west section line (Sec.6, T14N, R5E) the Snoqualmie National Forest boundary, downstream to mouth at Alder Reservoir (Sec.29, T15N, R5E).	(35)	Jones Creek	<u>Pe Ell</u> 15	From confluence of Jones Creek and Katula Creek (Sec.23, T13N, R5W) downstream to mouth at Chehalis River (same section).
(23)	Eight Creek (Cont.)	<u>Pe Ell</u> 15	Beginning at a point on Pacific Co. and Lewis Co. line (Sec.7, T13N, R5W) downstream to mouth at Elk Creek (Sec.8, T13N, R5W).	(36)	Kearney Creek	<u>Onalaska</u> 15	From confluence of Kearney Creek and Door Creek (Sec.18, T13N, R2E) downstream to mouth at Newaukum River South Fork (Sec.13, T13N, R1E).
(24)	Elk Creek (Cont.)	<u>Pe Ell</u> 15	Beginning at a point on Lewis Co. and Pacific Co. line SW corner (Sec.6, T13N, R5W) downstream to mouth at Chehalis River (Sec.3 of same township).	(37)	King Creek	<u>Centralia</u> 15 Castle Rock 15	From confluence of King Creek and unnamed creek (Sec.29, T12N, R2W) downstream to mouth at Olequa Creek (Sec.28, same township).
(25)	Elk Creek	<u>Elk Rock</u> 15	From confluence of Elk Creek and unnamed creek (Sec.27, T11N, R4E) downstream to mouth at Green River (Sec.32, T11N, R4E).	(38)	Kiona Creek	<u>Mineral</u> 15 Randle 15	Beginning at Gifford Pinchot National Forest boundary (Sec.4, T12N, R6E) downstream to mouth at Cowlitz River (Sec.20, T12N, R7E).
(26)	Gallup Creek	<u>Mineral</u> 15	From confluence of Gallup Creek and unnamed creek (Sec.1, T13N, R5E) downstream to mouth at Mineral Creek (Sec.25, T14N, R5E).	(39)	Klickitat Creek	<u>Onalaska</u> 15	From confluence of Klickitat Creek and unnamed creek (Sec.14, T12N, R2E) downstream to mouth at Mayfield Lake (Sec.10, same township).
(27)	Garrard Creek (South Fork)	<u>Malone</u> 15	From confluence of Garrard Creek South Fork and unnamed creek (Sec.16, T15N, R5W) downstream to Grays Harbor Co. line (Sec.9, same township).	(40)	Lacamas Creek	<u>Centralia</u> 15 Castle Rock 15	From confluence of Lacamas Creek and Baker Creek (Sec.15, T12N, R1W) downstream to mouth at Cowlitz River (Sec.27, T11N, R2W).
(28)	Green River (Cont.)	<u>Spirit Lake</u> 15 Elk Rock 15	From south line (Sec.33, T11N, R4E) Lewis-Skamaniam County line downstream to Lewis-Skamaniam County line (Sec.31, same township) downstream to Lewis-Cowlitz County line (Sec.31, T11N, R4E).	(41)	Lake Creek	<u>Adna</u> 15	Beginning at (SE1/4 of NW1/4 Sec.21, T12N, R3W) downstream to mouth at Chehalis River South Fork (Sec.30, T13N, R3W).
(29)	Halfway Creek	<u>Adna</u> 15	From confluence of Halfway Creek and unnamed creek (Sec.9, T12N, R4W) downstream to mouth at Stillman Creek (Sec.14, same township).	(42)	Lake Creek	<u>Mineral</u> 15	Beginning at outlet on Anderson Lake (Sec.15, T14N, R6E) downstream to mouth at Catt Creek (Sec.2, T14N, R6E).
				(43)	Lake Creek	<u>Mt. Rainier</u> 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at west section line (Sec.12, T13N, R9E) downstream to mouth at Cowlitz River (Sec.11, same township).

	Stream Name	Quadrangle Name and Size	Legal Description		Stream Name	Quadrangle Name and Size	Legal Description
(44)	Landers Creek	<u>Spirit Lake</u> 15	From an approximate point in center of (SE1/4 Sec.7, T11N, R5E) downstream to mouth on Davisson Lake (Sec.7, T11N, R5E).	(56)	Nisqually River*	<u>Randle</u> 15 Kapowsin* 15 Mount Wow 7 1/2 Mineral 15	Beginning at the Snoqualmie National Forest boundary left (south) bank only (Sec.33, T15N, R7E) downstream through Alder Reservoir to Lewis Co., Pierce Co., and Thurston Co. lines in the Reservoir (Sec.29, T15N, R5E). The 1,000 cfs MAF point begins at mouth of Mineral Creek (Sec.26, T15N, R5E).
(45)	Lincoln Creek	<u>Adna</u> 15 Rochester 15	From confluence of North Fork, South Fork of Lincoln Creek and Lincoln Creek (Sec.5, T14N, R4W) downstream to mouth at Chehalis River (Sec.35, T15N, R3W).	(57)	Olequa Creek	<u>Centralia</u> 15 Castle Rock 15	From confluence of Olequa Creek and unnamed creek closest to GN, NP, UP Railroad track (Sec.21, T12N, R2W) downstream to Lewis Co. and Cowlitz Co. line (Sec.32, T11N, R2W).
(46)	Lincoln Creek (N. Fork)	<u>Adna</u> 15	Beginning at the (NW1/4 of NE1/4 Sec.6, T14N, R4W) downstream to mouth Lincoln Creek (Sec.5, same township).	(58)	Quartz Creek	<u>Spirit Lake</u> 15	From the National Forest boundary (Sec.10, T11N, R6E) downstream to mouth on Cispus River (same section).
(47)	Lincoln Creek (S. Fork)	<u>Adna</u> 15	From confluence of Lincoln Creek South Fork and Wildcat Creek (Sec.7, T14N, R4W) downstream to mouth at Lincoln Creek (Sec.5, same township).	(59)	Rainy Creek	<u>Mineral</u> 15 Spirit Lake 15	From confluence of Rainy Creek and unnamed creek (Sec.8, T12N, R6E) downstream to mouth at Davisson Lake (Sec.27, T12N, R5E).
(48)	Lost Creek	<u>Adna</u> 15	From confluence of Lost Creek and unnamed creek north section line (Sec.10, T12N, R4W) downstream to mouth at Stillman Creek (Sec.2 of same township).	(60)	Rock Creek	<u>Pe Ell</u> 15	Beginning at a point approximately at the 1/4 corner (Sec.1, T12N, R6W) on Pacific Co. and Lewis Co. line downstream to mouth at Chehalis River (Sec.33, T13N, R5W).
(49)	Lucas Creek	<u>Onalaska</u> 15 Centralia 15	From confluence of Lucas Creek and unnamed creek (Sec.5, T13N, R1E) downstream to mouth at Newaukum River North Fork (Sec.2, T13N, R1W).	(61)	Roger Creek	<u>Skamokawa</u> 15 Pe Ell 15	From confluence of Little Roger Creek, Big Roger Creek and Roger Creek (Sec.27, T12N, R5W) downstream to mouth at Chehalis River (Sec.22, T12N, R5W).
(50)	Mill Creek	<u>Onalaska</u> 15	Beginning at the (NW1/4 of SW1/4 Sec.28, T13N, R2E) downstream to mouth at Cowlitz River (Sec.23, T12N, R1E).	(62)	Roundtop Creek	<u>Mineral</u> 15	From confluence of Roundtop Creek and unnamed creek (Sec.20, T14N, R5E) downstream to mouth at Mineral Creek (Sec.3, same township).
(51)	Mineral Creek	<u>Mineral</u> 15	From confluence of Mineral Creek and unnamed creek (Sec.9, T13N, R6E) downstream to mouth at Nisqually River (Sec.26, T15N, R5E).	(63)	Salmon Creek	<u>Toutle</u> 15 Castle Rock 15	From confluence of Salmon Creek and Rapid Creek (Sec.17, T11N, R2E) downstream to Lewis Co. and Cowlitz Co. line, excluding Salmon Creek on Cowlitz Co. side (Sec.34, T11N, R1W) downstream to mouth at Cowlitz River (Sec.19, T11N, R1W).
(52)	Mineral Creek (N. Fk.)	<u>Mineral</u> 15	Beginning at the (NW1/4 of SW1/4 Sec.35, T14N, R6E) downstream to mouth at Mineral Creek (Sec.10, T14N, R5E).	(64)	Salzer Creek	<u>Centralia</u> 15	From the confluence of Salzer Creek and unnamed creek (Sec.23, T14N, R2W) downstream to Chehalis River (Sec.18, T14N, R2W).
(53)	Newaukum River (M. Fk.)	<u>Centralia</u> 15	From confluence of Newaukum River Middle Fork and unnamed creek (NE of other unnamed creek) (Sec.22, T13N, R1W) downstream to mouth at North Fork Newaukum River (Sec.20 of same township).	(65)	Shelton Creek	<u>Morton</u> 15 Elk Rock 15	From confluence of Shelton Creek and unnamed creek (Sec.27, T12N, R4E) downstream to mouth at Davisson Lake (Sec.27, same township).
(54)	Newaukum River (N. Fk.)	<u>Onalaska</u> 15	From confluence of Newaukum River North Fork and unnamed creek (Sec.13, T14N, R1E) downstream to mouth at Newaukum River (Sec.18, T13N, R1W).	(66)	Siler Creek	<u>Mt. Rainier</u> 30 Randle 15	From confluence of Siler Creek and unnamed creek (Sec.27, T12N, R7E) downstream to mouth at Cowlitz River (Sec.20, same township) exclude federal land.
(55)	Newaukum River (S. Fk.)	<u>Onalaska</u> 15	Beginning at the (NE1/4 of SE1/4 Sec.27, T14N, R2E) downstream to mouth at Newaukum River (Sec.19, T13N, R1W) downstream through Newaukum River to mouth at Chehalis River (Sec.31, T14N, R2W).	(67)	Silver Creek	<u>Randle</u> 15	From confluence of Silver Creek and Lynx Creek (Sec.22, T13N, R7E) downstream to Cowlitz River (Sec.15, T12N, R7E). Exclude federal lands.

	Stream Name	Quadrangle Name and Size	Legal Description		Stream Name	Quadrangle Name and Size	Legal Description
(68)	Skate Creek	<u>Mt. Rainier</u> 30 Packwood 15	From the Gifford Pinchot National Forest boundary at SE corner (Sec.8, T13N, R9E) downstream to mouth at Cowlitz River (Sec.21, same township).	(81)	Tilton River (W. Fk.)	<u>Mineral</u> 15	From confluence of Trout Creek and Tilton River (W. Fk.) (Sec.2, T13N, R4E) downstream to mouth at Tilton River (Sec.19, T13N, R5E).
(69)	Skookumchuck River	<u>Morton</u> 15 Onalaska 15 Lake Lawrence 7 1/2 Tenino SW 7 1/2 Centralia 15	From confluence of Bigwater Creek and Skookumchuck River (Sec.7, T14N, R3E) downstream excluding federal lands to Lewis Co. and Thurston Co. thence downstream (Sec.28, T15N, R2W) to mouth (Sec.7, T14N, R2W).	(82)	Unnamed Trib. to Newaukum River (S. Fk.)	<u>Onalaska</u> 15	From confluence of unnamed creek and unnamed creek (Sec.27, T14N, R2E) downstream to mouth at Newaukum River South Fork (same section).
(70)	Smith Creek	<u>Mt. Rainier</u> 30 Packwood 15	From the Gifford Pinchot National Forest boundary (Sec.5, T12N, R9E) downstream to Cowlitz River (Sec.32, T13N, R9E).	(83)	Unnamed Trib. to Stillman Creek	<u>Ryderwood</u> 15	From confluence of unnamed creek and unnamed creek (Sec.9, T11N, R4W) downstream to mouth at Stillman Creek (Sec.34, T12N, R4W).
(71)	South Hanaford Creek	<u>Centralia</u> 15 Tenino S.W. 7 1/2	Beginning at the (NE1/4 of NE1/4 Sec.12, T14N, R2W) downstream to mouth at Hanaford Creek (Sec.26, T15N, R2W).	(84)	Willame Creek	<u>Mt. Rainier</u> 30 Packwood 15	From Gifford Pinchot National Forest boundary (Sec.31, T13N, R9E) downstream to Cowlitz River (Sec.6, T12N, R9E).
(72)	Stearns Creek	<u>Centralia</u> 15 Adna 15	From confluence of Stearns Creek and unnamed creek (Sec.32, T13N, R2W) downstream to mouth at Chehalis River (Sec.2, T13N, R3W).	(85)	Winston Creek	<u>Elk Rock</u> 15 Onalaska 15 Toutle 15	From confluence of Winston Creek and Thurston Creek (Sec.11, T11N, R3E) downstream to mouth at Mayfield Lake (Sec.20, T12N, R2E).
(73)	Stillman Creek	<u>Ryderwood</u> 15 Adna 15	From confluence of Stillman Creek and unnamed creek (Sec.14, T11N, R4W) downstream to mouth at Chehalis River South Fork (Sec.2, T12N, R4W).	(86)	Winston Creek (S. Fk.)	<u>Elk Rock</u> 15	From confluence of Winston Creek South Fork and unnamed creek (Sec.9, T11N, R3E) downstream to mouth at Winston Creek (Sec.36, T12N, R2E).
(74)	Stillwater Creek (Cont.)	<u>Ryderwood</u> 15 Castle Rock 15	From Lewis Co. and Cowlitz Co. line south section line (Sec.34, T11N, R3W) downstream to mouth at Olequa Creek (Sec.32, T11N, R2W).	(87)	Little Nisqually River	<u>Morton</u> 15	From confluence of Hiawatha Creek and Little Nisqually River (Sec.9, T14N, R4E) downstream to Lewis-Thurston County line (Sec.28, T15N, R4E). Exclude federal lands.
(75)	Stowe Creek	<u>Pe Ell</u> 15	From confluence of Stowe Creek and Sand Creek (Sec.35, T13N, R5W) downstream to mouth at Chehalis River (Sec.34, same township).	[Order DE 76-14, § 173-18-250, filed 5/3/76; Order 73-14, § 173-18-250, filed 8/27/73; Order DE 72-13, § 173-18-250, filed 6/30/72.]			
(76)	Thrash Creek	<u>Skamokawa</u> 15	Beginning at (SE1/4 of NE1/4 Sec.31, T12N, R5W) downstream to mouth at Chehalis River (Sec.33, same township).	WAC 173-18-260 Lincoln County. Streams			
(77)	Tilton River	<u>Mineral</u> 15 Onalaska 15 Morton 15	Beginning at the closest point on Tilton River to center of (Sec.5, T13N, R5E) downstream to mouth at Mayfield Lake (Sec.26, T13N, R2E).		Stream Name	Quadrangle Name and Size	Legal Description
(78)	Tilton River (E. Fk.)	<u>Mineral</u> 15	From confluence of Tilton River East Fork and unnamed creek (NW1/4 Sec.19, T13N, R6E) downstream to mouth at Tilton River South Fork, on downstream to Tilton River (Sec.25, T13N, R4E).	(1)	Columbia River (cont.)*		All of Columbia River within Lincoln County (Franklin D. Roosevelt Lake) is under federal jurisdiction. The stream flow is over 200 cfs MAF.
(79)	Tilton River (N. Fk.)	<u>Morton</u> 15	From north section line Forest boundary (Sec.3, T13N, R3E) downstream to mouth at Tilton River (Sec.30, T13N, R4E). Exclude federal lands.	(2)	Crab Creek*	<u>Sprague Lake NE</u> 7 1/2 Sprague Lake 7 1/2 Sprague Lake SW 7 1/2 Harrington SE 7 1/2 <u>Lamona WA</u> 7 1/2 U.S.G.S. Blue Line Advance Sylvan Lake 7 1/2 Odessa 7 1/2 Irby 7 1/2 Marlin SW 7 1/2 Marlin 7 1/2 <u>Sprague</u> 15	From the confluence of Rock Creek and Crab Creek (Sec.18, T22N, R38E) downstream through Sylvan Lake to Grant County line (Sec.18, T22N, R31E). This stream has over 300 sq. miles of drainage area down to mouth (right bank only) at unnamed tributary (Sec.34, T22N, R37E).
(80)	Tilton River (S. Fk.)	<u>Mineral</u> 15	Beginning in (NE1/4 of NE1/4 Sec.32, T13N, R5E) downstream to confluence point with East Fork Tilton River, on downstream to mouth at Tilton River (Sec.25, T13N, R4E).	(3)	Negro Creek		From the confluence of Negro Creek and unnamed creek in the town of Sprague (Sec.23, T21N, R38E) downstream to mouth at Sprague Lake (Sec.21, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(4) Spokane River*	<u>Wellpinit</u> * 15 Turtle Lake 15 Lincoln 15	From the Spokane County line (Sec.24, T27N, R39E) starting on left bank of Long Lake (SE corner of same section) thence downstream along left bank of Long Lake to Spokane River, thence downstream on left bank to (Sec.27, T27N, R38E). This stream has both over 200 cfs MAF flow and over 300 sq. miles of drainage area at Spokane County line.	(7) Decker Creek	<u>Elma</u> 15	Beginning at (NW1/4 of SE1/4 Sec.18, T20N, R6W) downstream to (Sec.19, T20N, R6W) and Grays Harbor County, Mason County line returning to Mason County line at (Sec.30, T20N, R6W) on downstream to mouth at Satsop River East Fork (Sec.31, T19N, R6W).
(5) Wilson Creek*	<u>Almira</u> * 7 1/2 Almira SW 7 1/2	From mouth of Corbett Draw (Sec.16, T25N, R31E) downstream to Grant County line (Sec.6, T24N, R31E). This stream has over 300 sq. miles of drainage area ending at mouth of Corbett Draw.	(8) Deer Creek	<u>Mason Lake</u> 7 1/2 Potlatch 15	From confluence of Deer Creek and unnamed creek (SW1/4 of SE1/4 Sec.19, T21N, R2W) downstream to mouth on Oakland Bay (Sec.36, T21N, R3W).
			(9) Dewatto River	<u>Holly</u> 7 1/2 Lake Wooten 7 1/2 Potlatch 15	From a point approximately 1000' north of section line in (SE1/4 of Sec.6, T23N, R2W) downstream to mouth at Dewatto Bay on Hood Canal (Sec.28, T23N, R3W).
			(10) Dry Bed Creek	<u>Mt. Tebo</u> 15 Elma 15	Beginning where Dry Bed Creek crosses the Beeville Loop Road at (Sec.27, T21N, R6W) downstream to mouth at Decker Creek (Sec.5, T19N, R6W).

[Order 73-14, § 173-18-260, filed 8/27/73; Order DE 72-13, § 173-18-260, filed 6/30/72.]

WAC 173-18-270 Mason County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Baker Creek	<u>Mt. Tebo</u> 15	Beginning at Olympic National Forest boundary, at center of (Sec.10, T21N, R6W) downstream to mouth at Satsop River Middle Fork (Sec.16, same township). Exclude federal land.	(11) Dry Creek	<u>Mt. Tebo</u> 15	Beginning where Dry Creek crosses unimproved road at center of (Sec.35, T21N, R6W) downstream to mouth at Dry Bed Creek (Sec.3, T20N, R6W).
(2) Bingham Creek	<u>Mt. Tebo</u> 15 Elma 15	Beginning at (SW1/4 of NE1/4 Sec.31, T21N, R5W) downstream to mouth at East Fork Satsop River (Sec.11, T19N, R6W).	(12) Dry Run Creek	<u>Elma</u> 15	Beginning at (NE1/4 of NW1/4) at South Bend Creek (Sec.27, T19N, R6W) downstream to mouth at Satsop River East Fork (Sec.28 of same township).
(3) Canyon River	<u>Mt. Tebo</u> 15 Grisdale 15	Beginning at Olympic National Forest boundary at north section line (Sec.18, T21N, R6W) downstream to Mason County, Grays Harbor County line (same section).	(13) Golsborough Creek (S. Fork)	<u>Elma</u> 15 Shelton 15	From confluence of Golsborough Creek South Fork and unnamed creek (Sec.25, T20N, R5W) downstream to mouth at Oakland Bay (Sec.20, T20N, R3W).
(4) Cloquallum Creek	<u>Elma</u> 15	From a point near intersection of a road and Cloquallum Creek (Sec.14, T19N, R5W) downstream to Grays Harbor County line (Sec.36, T19N, R6W).	(14) Gosnell Creek	<u>Shelton</u> 15 Olympia 15 Squaxin Island 7 1/2	From confluence of Gosnell Creek and unnamed creek (Sec.10, T19N, R4W) downstream through Isabella Lake to mouth at Hammersley Inlet of Puget Sound (Sec.25, T20N, R3W).
(5) Coulter Creek	<u>Belfair</u> 7 1/2	From the confluence of Coulter Creek and unnamed creek (Sec.9, T22N, R1W) downstream to mouth of North Bay (same section).	(15) Hamma Hamma River	<u>The Brothers</u> 15	Beginning where the Hamma Hamma River crosses the Olympic National Forest boundary (Sec.7, T24N, R3W) downstream to mouth at Hood Canal of Puget Sound (Sec.27 of same township).
(6) Cranberry Creek	<u>Potlatch</u> 15	Beginning at NE point of Cranberry Lake (Sec.28, T21N, R3W) downstream to mouth at Oakland Bay (Sec.35 of same township).	(16) Jefferson Creek	<u>The Brothers</u> 15	Beginning where Jefferson Creek crosses the Olympic National Forest boundary at NW corner (Sec.18, T24N, R3W) downstream to mouth at Hamma Hamma River (Sec.8 of same township) (excluding federal Lands).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(17) Johns Creek	<u>Potlatch</u> 15 Shelton 15	Beginning where Johns Creek crosses light-duty road (Sec.30, T21N, R3W) downstream to mouth at Oakland Bay (Sec.3, T20N, R3W).	(27) Skokomish River (N. Fork)	<u>Potlatch</u> 15	From confluence of Skokomish R. N. Fork and Frigid Cr. (Sec.30, T22N, R4W) downstream to confluence with South Fork Skokomish R. (Sec.18, T21N, R4W).
(18) Kennedy Creek (Cont.)	<u>Shelton</u> 15	From the Thurston County line (Sec.31, T19N, R3W) downstream to mouth at Oyster Bay (Sec.32, T19N, R3W).	(28) Skokomish River (S. Fork)	<u>Mt. Tebo</u> 15 <u>Potlatch</u> 15	From the Olympic National Forest boundary (Sec.15, T22N, R5W) downstream to confluence with North Fork Skokomish River (Sec.18, T21N, R4W). Exclude federal lands.
(19) Lilliwaup Creek	<u>Potlatch</u> 15	Beginning in the Lilliwaup Swamp (Sec.11, T23N, R4W) downstream to mouth at Lilliwaup Bay in Hood Canal at (Sec.30, T23N, R3W).	(29) Skookum Creek	<u>Shelton</u> 15	From confluence of Skookum Creek and unnamed creek (Sec.27, T19N, R4W) downstream to mouth at Skookum Inlet in Puget Sound (Sec.17, T19N, R3W).
(20) McTaggart Creek	<u>Potlatch</u> 15	From confluence of McTaggart Creek and Frigid Creek at (Sec.30, T22N, R4W) downstream to Skokomish River North Fork (same section).	(30) Tahuya River (Cont.)	<u>Wildcat Lake</u> 7 1/2 <u>Holly</u> 7 1/2 <u>Lake Wooten</u> 7 1/2 <u>Potlatch</u> 15	From the Kitsap Co. line (Sec.36, T24N, R2W) downstream to mouth at Hood Canal near Tahuya (Sec.27, T22N, R3W).
(21) Mission Creek	<u>Lake Wooten</u> 7 1/2 <u>Belfair</u> 7 1/2	From confluence of Mission Creek and unnamed creek (Sec.24, T23N, R2W) downstream to mouth at Hood Canal (Sec.1, T22N, R2W).	(31) Union River (Cont.)	<u>Belfair</u> 7 1/2	From the Kitsap Co. line (Sec.10, T23N, R1W) downstream to mouth of Lynch Cove near Belfair (Sec.31, T23N, R1W).
(22) Rendsland Creek	<u>Potlatch</u> 15	Beginning where Rendsland Creek crosses the north section line of (NW1/4 of SE1/4 Sec.17, T22N, R3W) downstream to mouth at Hood Canal (Sec.19 same township).	(32) Unnamed Creek	<u>Mt. Tebo</u> 15 <u>Elma</u> 15	Beginning where logging railroad crosses unnamed creek (Sec.4, T20N, R5W) downstream to mouth at Nahwatzel Lake (Sec.5, same township).
(23) Satsop River (E. Fork)	<u>Elma</u> 15	From the confluence of Satsop River East Fork, Phillips Creek and Stillwater Creek (Sec.22, T20N, R5W) downstream to Mason Co., Grays Harbor Co. line (Sec.31, T19N, R6W).	(33) Vance Creek	<u>Mt. Tebo</u> 15	From the Olympic National Forest boundary NW corner of (Sec.4, T21N, R5W) downstream to mouth on Skokomish River (Sec.18, T21N, R4W).
(24) Satsop River (M. Fork)	<u>Mt. Tebo</u> 15 <u>Elma</u> 15	From the Olympic National Forest boundary (Sec.16, T21N, R6W) downstream to Mason Co., Grays Harbor Co. line (Sec.6, T20N, R6W) reentering Mason Co. at (Sec.31, T19N, R6W) to mouth at Satsop River East Fork.	(34) Goldsborough Creek (N. Fork)	<u>Shelton</u> 15	From confluence of Winter Creek and Goldsborough Cr.N. Fk. (Sec.9, T20N, R4W) downstream to mouth at Goldsborough Cr. S. Fk. (Sec.19 same township).
(25) Shumocher Creek	<u>Potlatch</u> 15 <u>Mason Lake</u> 7 1/2	From confluence of Shumocher Creek and unnamed creek (Sec.13, T21N, R3W) downstream to mouth at Mason Lake (Sec.7, T21N, R2W).	(35) Sherwood Creek	<u>Mason Lake</u> 7 1/2 <u>Vaughn</u> 7 1/2 <u>Belfair</u> 7 1/2	From its start in Mason Lake (Sec.34, T22N, R2W) downstream to mouth at North Bay on Case Inlet (Sec.20, T22N, R1W).
(26) Skokomish River*	<u>Potlatch</u> * 15	From confluence of North Fork of Skokomish River and South Fork Skokomish River (Sec.18, T21N, R4W) downstream to mouth in Great Bend on Hood Canal (Sec.6, T21N, R3W) excluding portion on left bank within Skokomish Indian Reservation. The 1,000 cfs MAF flow begins at confluence of N. Fork and S. Fork.	[Order 73-14, § 173-18-270, filed 8/27/73; Order DE 72-13, § 173-18-270, filed 6/30/72.]		

WAC 173-18-280 Okanogan County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Beaver Creek	<u>Blue Buck Mt.</u> 7 1/2 <u>Twisp East</u> 7 1/2	From the confluence of Beaver Creek and unnamed creek (NE1/4 of NE1/4 Sec.26, T34N, R22E) downstream to mouth at Methow River (Sec.27, T33N, R22E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(2) Bonaparte Creek	<u>Tonasket</u> 15	From the confluence of Bonaparte Creek and Bannan Creek (Sec.32, T37N, R28E) downstream to mouth on Okanogan River near Tonasket (Sec.16, T37N, R27E).	(9) Okanogan River*	<u>Oroville*</u> 15 Tonasket 15 Omak Lake 15 Okanogan 15 Bridgeport 15 Conconully 15	From the United States-Canadian Border crossing Osoyoos Lake (Sec.4&5, T40N, R27E) downstream on both shores to Colville Indian Reservation (Sec.6, T34N, R27E) the west shore only to mouth at Columbia River (Sec.18, T30N, R25E), excluding all federal lands. This stream has over 200 cfs MAF and over 300 sq. miles of drainage area at United States-Canadian Border.
(3) Chewack *River	<u>Doe Mt.*</u> 15 Winthrop 7 1/2	From the Okanogan National Forest boundary (Sec.2, T35N, R21E) downstream to mouth at Methow River (Sec.2, T34N, R21E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary.			From the confluence of West Fork Sanpoil River and Frosty Creek (Sec.12, T35N, R30E) to the Okanogan National Forest boundary (Sec.22, T35N, R31E).
(4) Columbia River (Cont.)*	<u>Grand Coulee Dam</u> 15 Bridgeport 15 Brewster 15 Wells Dam 7 1/2 Azwell 7 1/2	From the intersection of the Okanogan County line and the Colville Indian Reservation boundary (Sec.18, T30N, R25E) downstream right bank only to Chelan County line (Sec.31, T29N, R24E). The flow exceeds 200 cfs MAF at the Colville Indian Reservation boundary.	(10) Sanpoil River (W. Fk.)	<u>Aeneas Valley</u> 15 Aeneas 15	From the Canadian Border (Sec.4, T40N, R25E) downstream to mouth at Okanogan River (Sec.9, T39N, R27E) excluding all federal lands. This stream has over 200 cfs MAF and over 300 sq. miles of drainage at Canadian Border.
(5) Early Winters Creek	<u>Mazama</u> 15	From the Okanogan National Forest boundary line (Sec.23, T29N, R19E) downstream to mouth at Methow River (Sec.27, same township).	(11) Similkameen River*	<u>Loomis*</u> 15 Oroville 15	From the confluence on the Sarsapkin Creek and Sinlahekin Creek (Sec.10, T37N, R25E) downstream to mouth at Palmer Lake (Sec.13, T39N, R25E).
(6) Gold Creek	<u>Concrete</u> AMS Methow 7 1/2	From the confluence of Gold Creek and South Fork Gold Creek (Sec.17, T31N, R22E) downstream to mouth at Methow River (Sec.16, same township).	(12) Sinlahekin River (Creek)	<u>Conconully</u> 15 Loomis 15	From the confluence of South and Middle Fork Toats Coulee Creek (Sec.35, T39N, R24E) downstream to mouth at Sinlahekin Creek (Sec.35, T39N, R25E).
(7) Methow River*	<u>Mazama</u> 15* Brewster 15 Doe Mtn. 15 Thompson Ridge 15 7 1/2 Winthrop 7 1/2 Blue Buck Mtn. 7 1/2 Twisp East 7 1/2 Methow 7 1/2 Cooper Mtn. 7 1/2	From the Okanogan National Forest boundary (Sec.6, T36N, R19E) downstream to mouth at the Columbia River (Sec.36, T30N, R23E) excluding all federal lands. The stream flow is 200 cfs MAF at confluence of Methow River and Lost River (Sec.5, T37N, R19E).	(13) Toats Coulee Creek	<u>Horseshoe Basin</u> 15 Loomis 15	From the confluence of Beaver Creek and Toroda Creek (Sec.22, T39N, R31E) downstream to the Ferry County line (Sec.25, T40N, R31E) excluding federal lands.
(8) Myers Creek	<u>Mt. Bonaparte</u> 15	From the confluence of Myers Creek and Mary Ann Creek (Sec.28, T40N, R30E) downstream to the Canadian Border (Sec.3, same township).	(14) Toroda Creek	<u>Bodie Mt.</u> 15	From the Okanogan National Forest boundary (Sec.10, T33N, R21E) downstream to mouth at Methow River (Sec.8, T33N, R22E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary.
			(15) Twisp River*	<u>Concrete</u> AMS Winthrop* 7 1/2 Twisp West 7 1/2 Twisp East 7 1/2	From the Okanogan National Forest boundary (Sec.6, T34N, R21E) downstream to mouth at Methow River (Sec.32, T35N, R21E).
			(16) Wolf Creek	<u>Concrete</u> AMS Thompson Ridge 7 1/2 Winthrop 7 1/2	

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-03-070 (Order DE 87-45), § 173-18-280, filed 1/20/88. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.300. 87-20-050 (Order DE 87-35), § 173-18-280, filed

10/2/87; Order DE 77-15, § 173-18-280, filed 9/1/77; Order DE 76-14, § 173-18-280, filed 5/3/76; Order 73-14, § 173-18-280, filed 8/27/73; Order DE 72-13, § 173-18-280, filed 6/30/72.]

WAC 173-18-290 Pacific County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Alder Creek	<u>Grays River</u> 15 Upper Naselle River 7 1/2	From the confluence of Alder Creek and unnamed creek (NW1/4 Sec.35, T12N, R8W) downstream to the mouth at Naselle River (Sec.16, T11N, R8W).	(13) Dell Creek	<u>Knappton</u> 7 1/2	From the confluence of Dell Creek and unnamed creek (Sec.7, T10N, R9W) downstream to mouth on Naselle River (Sec.8, same township).
(2) Bear River	<u>Knappton</u> 7 1/2 Chinook 7 1/2	From confluence of Bear Branch and unnamed creek (S1/2 of Sec.36, T10N, R10W) downstream to mouth in Shoalwater Bay (Sec.7, same township).	(14) Eight Creek	<u>Pe Ell</u> 15	From confluence of Eight Creek and unnamed creek (Sec.11, T13N, R6W) downstream to Lewis County line (Sec.12, same township).
(3) Blaney Creek	<u>Skamokawa</u> 15	From the confluence of Blaney Creek and unnamed creek (Sec.32, T11N, R6W) downstream to mouth at Grays River (Sec.31, same township).	(15) Elk Creek	<u>Pe Ell</u> 15	From confluence of Elk Creek and unnamed creek (Sec.29, T14N, R6W) downstream to Lewis County line (Sec.1, T13N, R6W).
(4) Bone River	<u>South Bend</u> 7 1/2 Bay Center 7 1/2	Beginning at a point (SW 1/4 of NW 1/4 Sec. 36 T14N, R10W) downstream to mouth at Willapa Bay (Sec. 4, T13N, R10W).	(16) Elk Creek	<u>Raymond</u> 15	From confluence of Elk Creek and unnamed creek (Sec.17, T14N, R8W) downstream to mouth at Willapa River (Sec.19, same township).
(5) Butte Creek	<u>Raymond</u> 15	From the confluence of Butte Creek and unnamed creek (Sec.32, T15N, R8W) downstream to mouth at Smith Creek (Sec.31, same township).	(17) Elkhorn Creek (Cont.)	<u>Montesano</u> 15 Aberdeen SE 7 1/2	From Grays Harbor County line (Sec.15, T15N, R8W) downstream to mouth at Smith Creek (Sec.26, T15N, R9W).
(6) Canon River	<u>South Bend</u> 15 North Nemah 7 1/2 Nemah 7 1/2	From confluence of Canon River and unnamed creek (Sec.5, T12N, R9W) downstream to mouth at Middle Fork of Palix River (Sec.24, T13N, R10W).	(18) Ellis Creek	<u>Grays River</u> 15 Raymond 15	Beginning at a point (SW1/4 of NE1/4 Sec.28, T12N, R7W) downstream to mouth at Fork Creek (Sec.16, same township).
(7) Canyon Creek	<u>South Bend</u> 15 North Nemah 7 1/2	From the confluence of Canyon Creek and unnamed creek (Sec.29, T13N, R9W) downstream to mouth at Canon River (Sec.32, same township).	(19) Fairchild Creek	<u>Raymond</u> 15	From mouth of North Fork Fairchild Creek (Sec.24, T14N, R8W) downstream to mouth at Ward Creek (Sec.14, same township).
(8) Cedar River	<u>Western</u> 7 1/2 Bay Center 7 1/2	From confluence of North Fork Cedar River and Cedar River (Sec.25, T15N, R11W) downstream to mouth at Willapa Bay (Sec.6, T14N, R10W).	(20) Fairchild Creek (North Fork)	<u>Raymond</u> 15	From confluence of Fairchild Creek N.Fk. and unnamed creek (Sec.8, T14N, R7W) downstream to mouth at Fairchild Creek (Sec.24, T14N, R8W).
(9) Cedar River (N. Fork)	<u>Grayland</u> 7 1/2 Western 7 1/2	From confluence of North Fork Cedar River and unnamed creek (NW1/4, NE1/4 Sec.26, T15N, R11W) downstream to mouth at Cedar River (Sec.25, same township).	(21) Ellsworth Creek	<u>Long Island</u> 7 1/2	From confluence of Ellsworth Cr. and unnamed creek (SE1/4 of SW1/4 Sec.35, T11N, R10W) downstream to mouth on Naselle River (Sec.22 same township).
(10) Chinook River	<u>Chinook</u> 7 1/2	From a point approximately 1000' south of northern section line (Sec.8, T9N, R10W) downstream to mouth in Baker Bay of Columbia River (Sec.31, T10N, R10W).	(22) Fall River	<u>Pe Ell</u> 15 Raymond 15 Montesano 15	From confluence of Fall River and unnamed creek (Sec.2, T14N, R6W) downstream to mouth at (Sec.24, T15N, R7W).
(11) Clearwater Creek	<u>South Bend</u> 15 South Bend 7 1/2 Aberdeen S.E. 7 1/2	Beginning at a point where Clearwater Creek crosses the unimproved dirt road near north section line (Sec.35, T15N, R9W) downstream to mouth at Smith Creek (Sec.26, same township).	(23) Falls Creek	<u>Pe Ell</u> 15 Raymond 15	From confluence of Falls Creek and unnamed creek (Sec.24, T12N, R7W) downstream to mouth at Willapa River (Sec.11, same township).
(12) Columbia River (Cont.)*	<u>Grays River</u> 15 Roseburg 7 1/2 Knappton 7 1/2 Astoria 7 1/2 Warrenton 7 1/2 Chinook 7 1/2 Cape Disappointment 7 1/2	From the Wahkiakum County line on the Columbia River (Sec.1, T9N, R9W) downstream along the Washington-Oregon boundary to mouth on Pacific Ocean (Sec.18, T9N, R11W). This stream exceeds 1,000 cfs MAF at Wahkiakum Co. line.	(24) Fern Creek	<u>Pe Ell</u> 15 Raymond 15	Beginning at a point (NW1/4 of SW1/4 Sec.6, T12N, R6W) downstream to mouth at Willapa River (Sec.3, T12N, R7W).
			(25) Finn Creek	<u>Oman Ranch</u> 7 1/2	From confluence of Finn Creek and unnamed creek (NE1/4 Sec.29, T12N, R9W) downstream to mouth on North Nemah River (Sec.30, same township).
			(26) Fork Creek	<u>Raymond</u> 15	Beginning at a point (SW1/4 of SE1/4 Sec.15, T12N, R7W) downstream to mouth at Willapa River (Sec.6, T12N, R7W).
			(27) Grays River (East Fork)	<u>Skamokawa</u> 15	From confluence of Grays River East Fork and unnamed creek (Sec.14, T11N, R6W) downstream to mouth at Grays River (Sec.17, same township).
			(28) Grays River (S. Frk.) (Cont.)	<u>Skamokawa</u> 15	From Wahkiakum Co. line (Sec.32, T11N, R6W) downstream to mouth on Grays River East Fork (Sec.31, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(29) Hull Creek	<u>Grays River</u> 15	From confluence of Hull Creek and unnamed tributary (Sec.30, T11N, R7W) downstream to Wahkiakum County line (Sec.32, same township).	(43) Palix River	<u>Nemah</u> 7 1/2 <u>Bay Center</u> 7 1/2	From confluence of South and North Forks of Palix River (Sec.22, T13N, R10W) downstream to mouth on Willapa Bay (Sec.5, same township).
(30) Half Moon Creek	<u>Raymond</u> 15	Beginning at a point (SW1/4 of SE1/4 Sec.26, T13N, R7W) downstream to mouth at Willapa River (Sec.4, T12N, R7W).	(44) Palix River (North Fork)	<u>South Bend</u> 15 <u>South Bend</u> 7 1/2 <u>North Nemah</u> 7 1/2	Beginning at a point (SE1/4 of NW1/4 Sec.7, T13N, R9W) downstream to mouth on Palix River (Sec.22, T13N, R10W).
(31) Johnson Creek	<u>Skamokawa</u> 15	From the confluence of Johnson Creek and unnamed creek (Sec.6, T11N, R6W) downstream to mouth at Grays River (Sec.7, same township).	(45) Palix River (South Fork)	<u>South Bend</u> 15 <u>Nemah</u> 7 1/2	Beginning at a point (NE1/4 of NW1/4 Sec.35, T13N, R10W) downstream to mouth on Palix River (Sec.22, same township).
(32) Little Elk Creek	<u>Pe Ell</u> 15	Beginning at a point (SE1/4 of Sec.5, T13N, R6W) downstream to mouth at Elk Creek (Sec.33, T14N, R6W).	(46) Rainie Creek (Cont.)	<u>Malone</u> 15	From Grays Harbor County line (Sec.16, T15N, R6W) downstream to mouth on North River (Sec.20, same township).
(33) Lower Salmon Creek (Cont.)	<u>Aberdeen S.E.</u> 7 1/2	From Grays Harbor County line (Sec.14, T15N, R9W) downstream back to said county line (Sec.15 same township).	(47) Redfield Creek	<u>Malone</u> 15	From confluence of Redfield Creek and Wheeler Creek (Sec.22, T15N, R6W) downstream to mouth at confluence of Redfield Creek and North River (Sec.21, same township).
(34) Middle Nemah River	<u>Oman Ranch</u> 7 1/2 <u>Long Island</u> 7 1/2 <u>Nemah</u> 7 1/2	From confluence of Middle Nemah River and unnamed creek (SW1/4, NE1/4 Sec.9, T11N, R9W) downstream to mouth at South Nemah River (Sec.27, T12N, R10W).	(48) Rock Creek	<u>Pe Ell</u> 15	From confluence of Rock Creek and unnamed right bank tributary (Sec.2, T12N, R6W) downstream to Lewis County line (Sec.1, same township).
(35) Mill Creek	<u>Raymond</u> 15	From confluence of Mill Creek and unnamed creek (Sec.11, T13N, R7W) downstream to mouth at Willapa River (Sec.2, T13N, R8W).	(49) Rue Creek	<u>Raymond</u> 15	From confluence of Rue Creek with the Middle and West Forks of Rue Creek (Sec.15, T13N, R8W) downstream to mouth at So. Fork Willapa River (Sec.8, same township).
(36) Mitchell Creek	<u>Skamokawa</u> 15	From the confluence of Mitchell Creek and unnamed creek (Sec.8, T11N, R6W) downstream to mouth at Grays River East Fork (Sec.17, same township).	(50) Salmon Creek	<u>Grays River</u> 15 <u>Up. Naselle</u> <u>River</u> 7 1/2 <u>Roseburg</u> 7 1/2 <u>Knappton</u> 7 1/2	From the confluence of Salmon Creek and unnamed creek (Sec.26, T11N, R8W) downstream to mouth at Naselle River (Sec.10, T10N, R9W) excluding those reaches within Wahkiakum County.
(37) Naselle River	<u>Grays River</u> 15 <u>Up. Naselle</u> <u>River</u> 7 1/2 <u>Roseburg</u> 7 1/2 <u>Knappton</u> 7 1/2 <u>Oman Ranch</u> 7 1/2 <u>Long Island</u> 7 1/2	From a point on east section line (Sec.36, T12N, R8W) downstream thru Chetlo Harbor and Stanley Channel to Willapa Bay (Sec.31, T12N, R10W) excluding those reaches within Wahkiakum County.	(51) Smith Creek	<u>Montesano</u> 15 <u>Raymond</u> 15 <u>Aberdeen S.E.</u> 7 1/2 <u>Bay Center</u> 7 1/2	From the east section (Sec.18, T15N, R7W) downstream to mouth at North River (Sec.35, T15N, R10W).
(38) Naselle River (South Fork)	<u>Knappton</u> 7 1/2	From confluence of Naselle River S. Fork and Bean Creek (Sec.33, T10N, R9W) downstream to mouth at Naselle River (Sec.9, same township).	(52) Smith Creek	<u>Oman Ranch</u> 7 1/2	From confluence of Smith Creek and unnamed creek (SE1/4, SE1/4 Sec.26, T11N, R10W) downstream to mouth on Naselle River (Sec.24, same township).
(39) Niawiakum River	<u>South Bend</u> 15 <u>Bay Center</u> 7 1/2 <u>Nemah</u> 7 1/2	Beginning at a point near the section center (Sec.14, T13N, R10W) downstream to mouth at Palix River (Sec.9, same township).	(53) S. Nemah River	<u>Long Island</u> 7 1/2 <u>Nemah</u> 7 1/2	From confluence of South Nemah River and unnamed creek (NW1/4 Sec.2, T11N, R10W) downstream to mouth in Willapa Bay (Sec.22, T12N, R10W).
(40) North River*	<u>Malone</u> 15 <u>Montesano</u> 15 <u>Aberdeen S.E.*</u> 7 1/2 <u>Western</u> 7 1/2 <u>Bay Center</u> 7 1/2	From confluence of Redfield Creek and Wheeler Creek (Sec.22, T15N, R6W) downstream to mouth on Willapa Bay (Sec.35, T15N, R10W) excluding those reaches within Grays Harbor County. The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7, T15N, R9W).	(54) Swem Creek	<u>Pe Ell</u> 15	Beginning at a point (SW1/4 of NE1/4 Sec.26, T14N, R6W) downstream to mouth at Elk Creek (Sec.34, same township).
(41) North Fork Naselle River	<u>Raymond</u> 15 <u>Upper Naselle</u> <u>Riv.</u> 7 1/2	From confluence of North Naselle River and unnamed creek (Sec.19, T12N, R8W) downstream to mouth at Naselle River (Sec.17, T11N, R8W).	(55) Trap Creek	<u>Raymond</u> 15	From confluence of Trap Creek and unnamed creek (Sec.9, T12N, R8W) downstream to Willapa River (Sec.1, same township).
(42) North Nemah River	<u>Grays River</u> 15 <u>North Nemah</u> 7 1/2 <u>Up. Naselle</u> <u>River</u> 7 1/2 <u>Nemah</u> 7 1/2 <u>Oman Ranch</u> 7 1/2	From the confluence of North Nemah River and unnamed creek (Sec.11, T11N, R9W) downstream to mouth at Willapa Bay (Sec.22, T12N, R10W).	(56) Unnamed Tributary to Canon River	<u>South Bend</u> 15 <u>North Nemah</u> 7 1/2	From a point (NW1/4 of NW1/4 Sec.33, T13N, R9W) downstream to mouth at Canon River (Sec.32, same township).
			(57) Unnamed Tributary to Grays River	<u>Skamokawa</u> 15	From confluence of the unnamed tributary and unnamed creek (Sec.32, T12N, R6W) downstream to mouth at Grays River (Sec.5, T11N, R6W).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(58) Unnamed Tributary to Hull Creek	<u>Grays River</u> 15	From a point (SE1/4 of SW1/4 Sec.30, T11N, R7W) downstream to mouth on Hull Creek (Sec.32, same township).	(2) Calispell Creek (N.Frk.)	<u>Newport</u> 30 Sacheen Lake 7 1/2 Cusick 7 1/2	From the north section line (Sec.28, T32N, R43E) downstream thru Power Lake to mouth on Calispell Creek (Sec.34, same township).
(59) Unnamed Tributary to Palix River (N. Fork)	<u>South Bend</u> 15 North Nemah 7 1/2	From confluence of the unnamed tributary and other unnamed tributary (Sec.8, T13N, R9W) downstream to mouth at Palix River North Fork (Sec.18, same township).	(3) Le Clerc Creek	<u>Metaline</u> 30 Ruby 7 1/2	From the confluence of West Branch of Le Clerc Creek and the East Branch of Le Clerc Creek (Sec.17, T35N, R44E) downstream to mouth at Pend Oreille River (Sec.20, same township).
(60) Unnamed Tributary to Smith Creek	<u>Montesano</u> 15	From confluence of unnamed tributary and another unnamed tributary (Sec.25, T15N, R8W) downstream to mouth at Smith Creek (Sec.26, same township).	(4) Le Clerc Creek (W.Branch)	<u>Metaline</u> 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.6, T35N, R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(61) Wallacut River	<u>Cape Disappointment</u> 7 1/2	From the confluence of Wallacut River and unnamed creek (SW1/4 Sec.26, T10N, R11W) downstream to mouth at Baker Bay (Sec.34, same township).	(5) Le Clerc Creek (E.Branch)	<u>Metaline</u> 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.5, T35N, R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(62) Ward Creek	<u>Raymond</u> 15	From a point (NW1/4 of SE1/4 Sec.2, T14N, R8W) downstream to mouth at Willapa River (Sec.27, same township).	(6) Pend Oreille River*	<u>Newport</u> 30 Newport, Wash. —Idaho* 7 1/2 Diamond Lake 7 1/2 Skookum Creek 7 1/2 Cusick 7 1/2 Metaline 7 1/2 Metaline Falls 7 1/2 Jared 7 1/2 Ruby 7 1/2 Scotchman Lake 7 1/2 Ione 7 1/2	From the Washington-Idaho border (Sec.7, T31N, R46E) downstream (excluding all federal lands) to United States-Canadian border (Sec.3, T40N, R43E). The flow exceeds 200 cfs MAF at Washington-Idaho border and has 300 square miles of drainage area.
(63) W.F. Grays River	<u>Grays River</u> 15	From confluence of West Fork Grays River and unnamed creek (Sec.16, T11N, R7W) downstream to Wahkiakum County line (Sec.33, same township).	(7) Little Spokane River	<u>Newport</u> 7 1/2 Diamond Lake 7 1/2 Camden 7 1/2	From an approximate point (NE1/4 of SW1/4 of NW1/4 of NW1/4 of Sec.34, T31N, R45E) downstream thru Chain Lake and to the Spokane County line (Sec.34, T30N, R44E).
(64) Whitcomb Creek	<u>Raymond</u> 15	From a point (SW1/4 of NE1/4 Sec.35, T14N, R8W) downstream to mouth at Ward Creek (Sec.27, same township).	(8) Little Spokane River (W.Branch)	<u>Newport</u> 30	Flowing from Sacheen Lake (Sec.35, T31N, R43E) downstream thru Trout Lake, downstream thru Horseshoe Lake, downstream to Spokane County line.
(65) Willapa River*	<u>Pe Ell</u> 15 Raymond* 15 South Bend 7 1/2	From confluence of Willapa River and unnamed creek (Sec.8, T12N, R6W) downstream to mouth at Willapa Bay (Sec.18, T14N, R9W). The streamflow is 1,000 cfs MAF at mouth of South Frk. Willapa River (Sec.24, T14N, R9W).	(9) Skookum Creek	<u>Newport</u> 30 Skookum Creek 7 1/2	From the confluence of Skookum Creek and N. Fork Skookum Creek (Sec.34, T33N, R44E) downstream to mouth at Pend Oreille River (Sec.4, T32N, R44E).
(66) Willapa River (S. Fork)	<u>South Bend</u> 15 North Nemah 7 1/2	From an approximate point (NW1/4 Sec.2, T12N, R9W) downstream to mouth at Willapa River (Sec.24, T14N, R9W).	(10) Sullivan Creek*	<u>Metaline*</u> 30	From the Colville National Forest boundary (Sec.22, T39N, R43E) downstream to mouth at Pend Oreille River (Sec.23, same township). The flow exceeds 200 cfs MAF at Colville National Forest boundary.
(67) Williams Creek	<u>South Bend</u> 15 Nemah 7 1/2 North Nemah 7 1/2	From an approximate point (SW1/4 of Sec.15, T12N, R9W) downstream to mouth at North Nemah River (Sec.14, T12N, R10W).	(11) Tacoma Creek	<u>Newport</u> 30 Jared 7 1/2	From an approximate point (NW1/4 of NW1/4 of Sec.27, T34N, R43E) downstream (excluding all federal lands) to mouth at Pend Oreille River (Sec.30, T34N, R44E).
(68) Wilson Creek	<u>Raymond</u> 15	From the east section line (Sec.27, T14N, R7W) downstream to mouth at Ward Creek (Sec.22, T14N, R8W).			
(69) Wilson Creek (North Fork)	<u>Raymond</u> 15	From confluence of Wilson Creek North Fork and unnamed creek (Sec.20, T14N, R7W) downstream to mouth at Wilson Creek (Sec.30, same township).			

[Order DE 77-15, § 173-18-290, filed 9/1/77; Order DE 76-14, § 173-18-290, filed 5/3/76; Order 73-14, § 173-18-290, filed 8/27/73; Order DE 72-13, § 173-18-290, filed 6/30/72.]

WAC 173-18-300 Pend Oreille County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Calispell Creek	<u>Newport</u> 30 Cusick 7 1/2	From the confluence of North and South Forks of Calispell Creek (Sec.34, T32N, R43E) downstream thru Calispell Lake to mouth on Pend Oreille River (Sec.19, T33N, R44E).	(11) Tacoma Creek	<u>Newport</u> 30 Jared 7 1/2	From an approximate point (NW1/4 of NW1/4 of Sec.27, T34N, R43E) downstream (excluding all federal lands) to mouth at Pend Oreille River (Sec.30, T34N, R44E).

[Order 73-14, § 173-18-300, filed 8/27/73; Order DE 72-13, § 173-18-300, filed 6/30/72.]

WAC 173-18-310 Pierce County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name (13)	Mashel River	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	<u>Kapowsin</u> 15	From an approximate point near the center of (Sec.35, T16N, R5E) downstream to the mouth at Mashel River (Sec.21, T16N, R5E).	(13)	Mashel River	<u>Kapowsin</u> 15 Eatonville 7 1/2	From the confluence of Mashel River and unnamed creek (Sec.18, T16N, R6E) downstream to mouth at Nisqually River (Sec.29, T16N, R4E).
(2) Busy Wild Creek	<u>Kapowsin</u> 15	From the confluence of Busy Wild Creek and unnamed creek (Sec.10, T15N, R6E) downstream to mouth at Mashel River (Sec.25, T16N, R5E).	(14)	Milky Creek	<u>Enumclaw</u> 15	From an approximate point near the NW corner of the (NE1/4 of SE1/4 of NW1/4 of Sec.34, T19N, R8E) downstream to the mouth at the Clearwater River (same section).
(3) Carbon River	<u>Mowich Lake</u> 7 1/2 <u>Enumclaw</u> 15 Golden Lakes 7 1/2 Wilkeson 7 1/2 Orting 7 1/2 Sumner 7 1/2	From the Mount Rainier National Park boundary (Sec.35, T18N, R7E) downstream to mouth at the Puyallup River. (Sec.13, T19N, R4E).	(15)	Minter Creek	<u>Burley</u> 7 1/2 Fox Island 7 1/2	From the confluence of Minter Creek and Huge Creek (Sec.20, T22N, R1E) downstream to mouth at Carr Inlet (Sec.29, same township).
(4) Chambers Creek	<u>Steilacoom</u> 7 1/2	From outflow of Steilacoom Lake (Sec.34, T20N, R2E) downstream to mouth at Chambers Bay and Puget Sound (Sec.29, T20N, R2E).	(16)	Mowick River	<u>Golden Lakes</u> 7 1/2 <u>Kapowsin</u> 15	From the Mount Rainier National Park boundary (Sec.33, T17N, R7E) downstream to mouth at Puyallup River (Sec.3, T16N, R6E).
(5) Clarks Creek	<u>Puyallup</u> 7 1/2	Beginning in the (NE1/4 of the SE1/4 Sec.32, T20N, R4E), downstream to mouth at Puyallup River (Sec.15, same township).	(17)	Muck Creek	<u>Fort Lewis</u> 7 1/2	From Fort Lewis Military Reservation boundary (Sec.27, T18N, R2E) downstream through Muck Lake to same boundary (Sec.34, same township).
(6) Clearwater River	<u>Enumclaw</u> 15	From the Snoqualmie National Forest boundary (Sec.34, T19N, R8E) downstream to mouth at the White River (Sec.7, T19N, R8E).	(18)	Niesson Creek	<u>Kapowsin</u> 15	From an approximate point near the NW corner of the (NE1/4 of NE1/4 of Sec.4, T16N, R6E) downstream to the Puyallup River (Sec.33, T17N, R6E).
(7) Clover Creek	<u>Tacoma South</u> 15 Spanaway 7 1/2 Tacoma South 7 1/2 Steilacoom 7 1/2 Frederickson 7 1/2	From the intersection of Clover Creek and railroad (Sec.25, T19N, R3E) downstream to Steilacoom Lake (Sec.3, T19N, R2E). Delete federal lands.	(19)	Nisqually River*	<u>Randle</u> 15 Mount Wow 7 1/2 Mineral 15 <u>Kapowsin</u> * 15 Eatonville 7 1/2 Bald Hill 7 1/2 Harts Lake 7 1/2 McKenna 7 1/2 Nisqually 7 1/2	From Snoqualmie National Forest boundary (Sec.33, T15N, R7E) downstream along the north and east shores only, excluding all federal lands to the Fort Lewis Military Reservation (Sec.16, T17N, R2E), from Military Reservation (Sec.5, T18N, R1E) to mouth on Nisqually Reach (Sec.28, T19N, R1E).
(8) Evans Creek	<u>Kapowsin</u> 15	From the east line of (Sec.11, T17N, R6E) downstream to mouth at Carbon River (Sec.35, T18N, R6E).				*Note: The 1,000 cfs MAF point starts at mouth of Mineral Creek (Sec.26, T15N, R5E).
(9) Gale Creek	<u>Enumclaw</u> 15 Wilkeson 7 1/2	From an approximate point near the center of the (NE1/4 of SW1/4 of NE1/4 of NW1/4 of Sec.13, T18N, R6E) downstream to mouth at Wilkeson Creek (Sec.34, T19N, R6E).	(20)	Ohop Creek	<u>Kapowsin</u> 15 Orting 7 1/2	From the confluence of Ohop Creek and unnamed creek (Sec.21, T17N, R5E) downstream through Lake Kapowsin to mouth at Puyallup River (Sec.20, T18N, R5E).
(10) Greenwater River	<u>Lester</u> 15 Greenwater 15	From the Snoqualmie National Forest boundary (Sec.31, T19N, R11E) downstream on the left shore only to the mouth at White River (Sec.4, T19N, R9E). Exclude federal lands.	(21)	Ohop Creek	<u>Tanwax Lake</u> 7 1/2 Eatonville 7 1/2	From the confluence of Twenty Five Mile Creek and Ohop Creek (Sec.26, T17N, R4E) downstream through Ohop Lake to Kapowsin Creek, thence downstream to mouth at Nisqually River (Sec.25, T16N, R3E).
(11) Little Mashel River	<u>Kapowsin</u> 15 Eatonville 7 1/2	From the confluence of the Little Mashel River and unnamed creek (Sec.30, T16N, R5E) downstream to Mashel River (Sec.22, T16N, R4E).	*NOTE: (Exclude area from La Grande Dam downstream to power house due to use of aqueduct.)			
(12) Lynch Creek	<u>Kapowsin</u> 15 Tanwax Lake 7 1/2	From an approximate point on the west line of (SE1/4 of NE1/4 of NW1/4 of Sec.17, T16N, R5E) downstream to mouth at Ohop Creek (Sec.10, T16N, R4E).				

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(22) Puyallup River*	<u>Mt. Rainier</u> 30 Kapowsin 15 Orting 7 1/2 Sumner* 7 1/2 Puyallup 7 1/2 Tacoma South 7 1/2 Tacoma North 7 1/2	From the confluence of North and South Forks Puyallup River (Sec.20, T16N, R7E) downstream (excluding all federal lands) to Commencement Bay at Tacoma (Sec.33, T21N, R3E) The 1,000 cfs MAF point begins at mouth of Carbon River (Sec.13, T19N, R4E).	(33) White River*	<u>Greenwater</u> * 15 Enumclaw 15 Enumclaw 7 1/2 Auburn 7 1/2 Sumner 7 1/2 Puyallup 7 1/2 Buckley 7 1/2	From the Snoqualmie National Forest boundary (Sec.36, T19N, R9E) downstream to the King-Pierce County line along County line on southerly shore only to the Muckleshoot Indian Reservation (Sec.2, T20N, R5E) returning from the reservation (Sec.1, T20N, R4E) downstream to mouth at Puyallup River (Sec.26, same township). The 1,000 cfs MAF point begins at mouth of Greenwater River (Sec.4, T19N, R9E).
(23) Rocky Creek	<u>Vaughn</u> 7 1/2	From the confluence of Rocky Creek and the unnamed creek (Sec.27, T22N, R1W) downstream to mouth at Rocky Bay (same section).	(34) White River (West Fork)	<u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.33, T19N, R9E) downstream to mouth at the White River (Sec.23, same township).
(24) Rushingwater Creek	<u>Golden Lakes</u> 7 1/2 Kapowsin 15	From the Snoqualmie National Forest boundary (Sec.1, T16N, R6E) downstream to mouth at Mowich River (Sec.2, same township).	(35) Wilkeson Creek	<u>Wilkeson</u> 7 1/2 Buckley 7 1/2	From confluence of Wilkeson Creek and Gale Creek (Sec.34, T19N, R6E) downstream to mouth at South Prairie Creek (Sec.17, same township).
(25) Sequelitchew Creek	<u>Anderson Island</u> 15 Fort Lewis 7 1/2 Nisqually 7 1/2	From the Fort Lewis Military Reservation (Sec.25, T19N, R1E) downstream to mouth at Nisqually Reach (Sec.22, same township).	(36) North Puyallup River	<u>Mount Wow</u> 7 1/2	From Mount Rainer National Park boundary (Sec.21, T16N, R7E) downstream to mouth at Puyallup River (Sec.20, T16N, R7E).
(26) South Creek	<u>Ohop Valley</u> 15 Harts Lake 7 1/2 Spanaway 7 1/2 Tanwax Lake 7 1/2	From the confluence of South Creek and unnamed creek (Sec.8, T17N, R4E) downstream to Fort Lewis Military Reservation boundary (Sec.34, T18N, R3E).	(37) South Puyallup River	<u>Mount Wow</u> 7 1/2	From Mount Rainer National Park boundary (Sec.33, T16N, R7E) downstream to mouth at Puyallup River (Sec.20, T16N, R7E).
(27) South Prairie Creek	<u>Enumclaw</u> 15 Wilkeson 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Orting 7 1/2	From the Snoqualmie National Forest boundary (Sec.32, T19N, R7E) downstream to mouth at Carbon River (Sec.27, T19N, R5E).	[Order DE 76-14, § 173-18-310, filed 5/3/76; Order 73-14, § 173-18-310, filed 8/27/73; Order DE 72-13, § 173-18-310, filed 6/30/72.]		
(28) Spanaway Creek	<u>Tacoma South</u> 15 Tacoma South 7 1/2 Spanaway 7 1/2	From the confluence of waters from Spanaway Lake (Sec.20, T19N, R3E) downstream to mouth at Clover Creek (Sec.8, same township).	WAC 173-18-320 San Juan County. Streams. San Juan County has no 20 cfs streams but has shorelines. No rivers of statewide significance.		
(29) Tanwax Creek	<u>Tanwax Lake</u> 7 1/2 Harts Lake 7 1/2 Bald Hill 7 1/2	From the confluence of Tanwax Creek and unnamed creek (Sec.31, T17N, R4E) downstream to mouth at the Nisqually River (Sec.20, T16N, R3E).	[Order 73-14, § 173-18-320, filed 8/27/73; Order DE 72-13, § 173-18-320, filed 6/30/72.]		
(30) Twenty Five Mile Creek	<u>Kapowsin</u> 15 Tanwax Lake 7 1/2	From an approximate point near the west line of the (NE1/4 of NW1/4 of SE1/4 of Sec.25, T17N, R4E) downstream to mouth at Ohop Creek (Sec.26, same township).	WAC 173-18-330 Skagit County. Streams		
(31) Unnamed Tributary to Mashel River	<u>Kapowsin</u> 15	From an approximate point near the SW corner of (NE1/4 of Sec.29, T16N, R6E) downstream to mouth at Mashel River (Sec.19, same township).	Stream Name	Quadrangle Name and Size	Legal Description
(32) Voight Creek	<u>Kapowsin</u> 15 Wilkeson 7 1/2 Orting 7 1/2	From the intersection of the west line of (Sec.3, T17N, R6E) and Voight Creek, downstream to mouth at Carbon River (Sec.33, T19N, R5E).	(1) Alder Creek	<u>Hamilton</u> 15	From confluence of Alder Creek and unnamed creek (Sec.6, T35N, R7E) downstream to mouth at Skagit River (Sec.18, same township).
			(2) Baker River*	<u>Lake Shannon</u> * 15	Beginning at Mt. Baker National Forest boundary in Lake Shannon (Sec.1, T36N, R8E) down through Lake Shannon and Baker Dam to mouth at Skagit River (Sec.11, T35N, R8E). The 1,000 cfs MAF begins at Mt. Baker National Forest boundary.

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(3) Bear Creek	<u>Clear Lake</u> 15	From confluence of Bear Creek and unnamed creek (Sec.18, T33N, R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).	(14) Finney Creek	<u>Finney Peak</u> 7 1/2 <u>Lake Shannon</u> 15 <u>Hamilton</u> 15	From the Mt. Baker National Forest boundary (Sec.1, T34N, R8E) downstream to mouth at Skagit River (Sec.13, T35N, R7E).
(4) Bear Creek	<u>Hamilton</u> 15	From confluence of Bear Creek and unnamed creek (Sec.10, T36N, R8E) downstream to mouth at Lake Shannon (Sec.14, same township).	(15) Friday Creek (Cont.)	<u>Samish Lake</u> 15 <u>Alger</u> 7 1/2 <u>Lake Whatcom</u> 7 1/2	From Whatcom County line (Sec.1, T36N, R3E) downstream to mouth at Samish River (Sec.5, T35N, R4E).
(5) Big Creek	<u>Prairie Mt.</u> 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.18, T33N, R11E) downstream to mouth at Suiattle River (Sec.13, same township).	(16) Gilligan Creek	<u>Clear Lake</u> 15	From confluence of Gilligan Creek and unnamed creek (Sec.11, T34N, R5E) downstream to mouth at Skagit River (Sec.35, T35N, R5E).
(6) Boulder Creek	<u>Snowking Mt.</u> 7 1/2 <u>Marblemount</u> 15	From an approximate point (NW1/4 of NW1/4 of SW1/4 Sec.26, T35N, R11E) downstream to mouth at Cascade River (Sec.15, same township).	(17) Grandy Creek	<u>Hamilton</u> 15	From outlet of Grandy Lake (Sec.31, T36N, R8E) downstream to mouth at Skagit River (Sec.15, T35N, R7E).
(7) Carpenter Creek	<u>Mt. Vernon</u> 15 <u>Conway</u> 7 1/2	From confluence of Carpenter Creek and unnamed creek (Sec.17, T33N, R4E) downstream to mouth at Tom Moore Slough (Sec.30, same township).	(18) Hansen Creek	<u>Wickersham</u> 15	From an approximate point (SW1/4 of SW1/4 Sec.17, T35N, R5E) downstream to mouth at Skagit River (Sec.20, same township).
(8) Cascade River*	<u>Marblemount*</u> 15	From Mt. Baker National Forest boundary (Sec.12, T35N, R11E) downstream to mouth at Skagit River (Sec.18, same township). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.15, T35N, R11E).	(19) Howard Creek (Cont.)	<u>Hamilton</u> 15	From Whatcom County line (Sec.2, T36N, R6E) downstream to mouth at Nooksack River South Fork (Sec.13, same township).
(9) Cavanaugh Creek	<u>Wickersham</u> 15	From an approximate point (NW1/4 of NE1/4 of SE1/4 Sec.5, T36N, R6E) downstream to mouth at Nooksack River (Sec.2, T36N, R5E).	(20) Illabot Creek	<u>Illabot Peaks</u> 7 1/2 <u>Rockport</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.1, T34N, R10E) downstream to mouth at Skagit River (Sec.29, T35N, R10E).
(10) Corkindale Creek	<u>Marblemount</u> 15	From confluence of Corkindale Creek and unnamed creek near west section line (Sec.14, T35N, R10E) downstream to mouth at Skagit River (Sec.22, same township).	(21) Irene Creek	<u>Marblemount</u> 15	From Mt. Baker National Forest boundary (Sec.13, T35N, R11E) downstream to mouth at Cascade River (Sec.12, same township).
(11) Cumberland Creek	<u>Oso</u> 15 <u>Hamilton</u> 15	From confluence of Cumberland Creek and unnamed creek (Sec.25, T35N, R6E) downstream to mouth at Skagit River (Sec.14, same township).	(22) Jackman Creek	<u>Lake Shannon</u> 15	From Mt. Baker National Forest boundary (Sec.3, T35N, R9E) downstream to mouth at Skagit River (Sec.13, T35N, R8E).
(12) Day Creek	<u>Oso</u> 15 <u>Clear Lake</u> 7 1/2	Beginning at outlet of Day Lake (Sec.25, T34N, R6E) downstream to mouth at Skagit River (Sec.20, T35N, R6E).	(23) Joe Leary Creek	<u>Samish Lake</u> 15 <u>Bow</u> 7 1/2	From confluence of Joe Leary Creek and unnamed Creek (Sec.20, T35N, R3E) downstream to mouth at Padilla Bay (Sec.18, same township).
(13) Deer Creek	<u>Oso</u> 15	From the Mt. Baker National Forest boundary (Sec.1, T33N, R7E) downstream to Snohomish County line (Sec.32, same township).	(24) Jones Creek	<u>Wickersham</u> 15	From an approximate point (SE1/4 of SE1/4 of NE1/4 Sec.32, T36N, R6E) downstream to mouth at Skagit River (Sec.17, T35N, R6E).
			(25) Jordan Creek	<u>Illabot Peaks</u> 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.33, T35N, R11E) downstream to mouth at Cascade River (Sec.18, same township).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(26) Lake Creek	<u>Clear Lake</u> 15 Mt. Vernon 7 1/2	From confluence of Lake Creek and unnamed creek (Sec.17, T33N, R5E) downstream through Big Lake and Nookachamps Creek to the mouth at Nookachamps Creek in Skagit River (Sec.4, T34N, R4E).	(37) Rocky Creek	<u>Marblemount</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.22, T35N, R10E) downstream to mouth at Skagit River (same section).
(27) Lake Creek	<u>Clear Lake</u> 15	From outlet of Lake Cavanaugh (Sec.22, T33N, R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).	(38) Samish River (Cont.)	<u>Wickersham</u> 15	From Whatcom County line (Sec.6, T36N, R5E) downstream to mouth at Samish Bay (Sec.5, T35N, R3E).
(28) Little Deer Creek	<u>Oso</u> 15	From Mt. Baker National Forest boundary (Sec.35, T34N, R7E) downstream to mouth at Deer Creek (same section).	(39) Sauk River (Cont.)*	<u>Darrington*</u> 7 1/2 <u>Rockport</u> 7 1/2	From Snohomish County line (Sec.32, T33N, R10E) downstream to mouth at Skagit River (Sec.35, T35N, R9E). The flow exceeds 1,000 cfs MAF at Snohomish County line.
(29) Mill Creek	<u>Hamilton</u> 15	From an approximate point (SW1/4 of SW1/4 of SW1/4 Sec.23, T35N, R7E) downstream to mouth at Skagit River (Sec.22, same township).	(40) Silver Creek	<u>Samish Lake</u> 15 <u>Alger</u> 7 1/2	Beginning where heavy duty highway crosses Silver Creek (Sec.7, T36N, R4E) downstream to mouth at Friday Creek (Sec.18, same township).
(30) Nookachamps Creek (E. Fk.)	<u>Clear Lake</u> 15 Mt. Vernon 7 1/2	From confluence of Nookachamps Creek East Fork and unnamed creek (Sec.28, T34N, R5E) downstream to mouth at Nookachamps Creek (Sec.10, T34N, R4E).	(41) Skagit River*	<u>Marblemount*</u> 15 <u>Lake Shannon</u> 15 <u>Wickersham</u> 15 <u>Clear Lake</u> 15 <u>Illabot Peaks</u> 7 1/2 <u>Rockport</u> 7 1/2 <u>Finney Peak</u> 7 1/2 <u>Mount Vernon</u> 7 1/2 <u>Utsalady</u> 7 1/2 <u>Conway</u> 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.1, T36N, R11E) downstream splitting into the North Fork and the South Fork, on down to mouth at Skagit Bay (Sec.7, T33N, R2E) and (Sec.36, T33N, R3E). The 1,000 cfs MAF point begins at Mt. Baker N.F. boundary.
(31) Nooksack River (S. Fk.)	<u>Hamilton</u> 15 <u>Wickersham</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.10, T36N, R7E) downstream to Skagit County line (Sec.2, T36N, R5E).	(42) Stillaguamish River (N. Fork)	<u>Fortson</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.27, T33N, R9E) downstream to Skagit County and Snohomish County line (Sec.34, same township).
(32) O'Toole Creek	<u>Oso</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.28, T35N, R7E) downstream to mouth at Skagit River (Sec.21, same township).	(43) Suiattle River* (Cont.)	<u>Prairie Mt.*</u> 7 1/2 <u>Darrington</u> 7 1/2	From Skagit-Snohomish County line (Sec.32, T33N, R11E) downstream to mouth at Sauk River (Sec.20, T33N, R10E). This river has over 1,000 cfs MAF at Skagit-Snohomish County line.
(33) Pilchuck Creek	<u>Clear Lake</u> 15	From confluence of Pilchuck Creek and unnamed creek (Sec.10, T33N, R6E) downstream to Skagit County and Snohomish County line (Sec.33, T33N, R5E).	(44) Tenas Creek	<u>Prairie Mt.</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T33N, R11E) downstream to mouth at Suiattle River (Sec.30, same township).
(34) Pressentin Creek	<u>Oso</u> 15 <u>Hamilton</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.36, T35N, R7E) downstream to mouth at Skagit River (Sec.13, same township).	(45) Thunder Creek	<u>Lake Shannon</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.17, T36N, R9E) downstream to mouth at Lake Shannon (Sec.24, T36N, R8E).
(35) Rocky Creek	<u>Clear Lake</u> 15	From confluence of Rocky Creek and unnamed creek (Sec.17, T34N, R6E) downstream to mouth at Day Creek (Sec.10, same township).	(46) Thunder Creek (S. Fk.)	<u>Lake Shannon</u> 15	From an approximate point (NW1/4 of SE1/4 of NE1/4 Sec.20, T36N, R9E) downstream to mouth at Thunder Creek (Sec.18, same township).
(36) Rocky Creek	<u>Lake Shannon</u> 15	From Whatcom County line (Sec.1, T36N, R8E) downstream to Skagit County line (same section).			

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(47) Unnamed Tributary to Bear Creek	<u>Lake Shannon</u> 15	From confluence of unnamed tributary to Bear Creek and unnamed creek (Sec.10, T36N, R8E) downstream to mouth at Bear Creek (same section).	(5) Deer Creek	<u>Bridal Veil</u> 15	From an approximate point (NE1/4 of Sec.17, T3N, R6E) downstream to mouth at Prospector Creek (Sec.18, same township).
(48) Walker Creek	<u>Clear Lake</u> 15	From an approximate point (SW1/4 of SW1/4 of NE1/4 Sec.5, T33N, R5E) downstream to mouth at Nookachamps Creek East Fork (Sec.30, T34N, R5E).	(6) Dougan Creek	<u>Bridal Veil</u> 15	From the confluence of Dougan Creek and unnamed creek (Sec.2, T2N, R5E) downstream to Washougal River (Sec.11, same township).
(49) White Creek	<u>Rockport</u> 7 1/2	From confluence of White Creek and unnamed creek (Sec.20, T34N, R10E) downstream to mouth at Sauk River (Sec.31, same township).	(7) Duncan Creek	<u>Bridal Veil</u> 15	Beginning in (NW1/4 of SE1/4 of NE1/4 of Sec.17, T2N, R6E) downstream to Columbia River (Sec.34, same township).
(50) Youngs Slough	<u>Wickersham</u> 15	From confluence of Youngs Slough and unnamed tributary (Sec.14, T35N, R5E) downstream to mouth at Skagit River (Sec.27, same township).	(8) Forest Creek	<u>Wind River</u> 15 <u>Bonneville Dam</u> 15	From the Gifford Pinchot National Forest boundary (Sec.17, T3N, R7E) downstream to mouth at Rock Creek (same section).
(51) Bacon Creek	<u>Marblemount</u> 15	From west section line (Sec.8, T36N, R11E) downstream to mouth at Skagit River (Sec.20, T36N, R11E). Exclude federal lands.	(9) Greenleaf Creek	<u>Bonneville Dam</u> 15	From an approximate point (NW1/4 of Sec.16, T2N, R7E) downstream through Greenleaf Slough to mouth at Hamilton Creek (Sec.20, same township).
(52) Diobsud Creek	<u>Marblemount</u> 15	From west section line (Sec.30, T36N, R11E) downstream to mouth at Skagit River (Sec.32, T36N, R11E). Exclude federal lands.	(10) Hagen Creek (Cont.)	<u>Bridal Veil</u> 15	From the Clark County line (Sec.6, T2N, R5E) downstream to mouth at the West Fork Washougal River (same section).
			(11) Hamilton Creek	<u>Bridal Veil</u> 15	From the confluence of Hamilton Creek and unnamed creek (Sec.36, T3N, R6E) downstream to Columbia River (Sec.30, T2N, R7E).
			(12) Lava Creek	<u>Willard</u> 15	From Gifford Pinchot National Forest boundary (Sec.33, T4N, R9E) downstream to mouth on Little White Salmon River (Sec.1, T3N, R9E).

[Order DE 76-14, § 173-18-330, filed 5/3/76; Order 73-14, § 173-18-330, filed 8/27/73; Order DE 72-13, § 173-18-330, filed 6/30/72.]

WAC 173-18-340 Skamania County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Bear Creek	<u>Wind River</u> 15	From the Gifford Pinchot National Forest boundary (Sec.5, T3N, R8E) downstream to mouth at Wind River (Sec.8, same township).	(13) Lewis River*	<u>Burnt Peak*</u> 7 1/2 <u>Mt. St. Helens</u> 15	From Gifford Pinchot National Forest boundary (Sec.24, T7N, R6E) downstream through Swift Reservoir to Cowlitz County line (Sec.31, T7N, R5E) except those reaches within the National Forest. The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.
(2) Buck Creek (Cont.)	<u>Willard</u> 7 1/2	From Klickitat County line (Sec.2, T3N, R10E) downstream to mouth at White Salmon River (same section).	(14) Little White Salmon River*	<u>Willard*</u> 15 <u>Hood River</u> 15	Beginning in (NE1/4 of NE1/4 of NE1/4 Sec.2, T4N, R9E) downstream to Drano Lake (Sec.26, T3N, R9E), excluding all federal lands. The 200 cfs MAF begins at confluence with Lava Creek (Sec.1, T3N, R9E).
(3) Canyon Creek	<u>Bridal Veil</u> 15	Beginning in (NW1/4 of SE1/4 Sec.4, T1N, R5E) downstream to Washougal River (Sec.6, same township).	(15) Little Wind River	<u>Wind River</u> 15 <u>Bonneville Dam</u> 15	From the Gifford Pinchot National Forest boundary (Sec.14, T3N, R8E) downstream to mouth at Wind River (Sec.22, same township).
(4) Columbia River (Cont.)*	<u>Hood River</u> 15 <u>Bonneville Dam</u> 15 <u>Bridal Veil</u> 15	From Klickitat County line (Sec.23, T3N, R10E) downstream along Washington shoreline to Clark County line (Sec.19, T1N, R5E) excluding any federal lands. The flow exceeds 200 cfs MAF at Klickitat County line.	(16) Lookout Creek	<u>Lookout Mt.</u> 15	From an approximate point (NW1/4 of Sec.6, T3N, R6E) downstream to mouth at Washougal River (Sec.1, T3N, R5E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(17) Muddy River	<u>Mt. St. Helens</u> 15	From the west section line (Sec.16, T8N, R6E) downstream to mouth at Lewis River (Sec.24, T7N, R6E). Exclude federal lands.	(31) Washougal River	<u>Lookout Mt.</u> 15	From Gifford Pinchot National Forest boundary (Sec.1, T3N, R5E) downstream to mouth at Clark County line (Sec.31, T2N, R5E).
(19) North Siouxon Creek	<u>Mt. St. Helens</u> 15 <u>Lookout Mt.</u> 15	From the Gifford Pinchot National Forest boundary (Sec.16, T6N, R5E) downstream to the Clark County line (Sec.30, same township).	(32) Washougal River (W. Fork)	<u>Bridal Veil</u> 15	From an approximate point (NW1/4 of SW1/4 of Sec.29, T3N, R5E) downstream to mouth at Washougal River (Sec.32, T2N, R5E).
(20) Ole Creek	<u>Mt. St. Helens</u> 15	From the confluence of Ole Creek and an unnamed creek (Sec.31, T7N, R5E) downstream to Lewis River (same section).	(33) West Fork Swift Creek	<u>Mt. St. Helens</u> 15	Beginning in (SE1/4 of NW1/4 of SW1/4 of Sec.4, T7N, R5E) downstream to Swift Creek (Sec.16, same township).
(21) Panther Creek	<u>Wind River</u> 15	Beginning in (NW1/4 of SE1/4 of SE1/4 of Sec.25, T4N, R71/2E) downstream to mouth at Wind River (Sec.8, T3N, R8E).	(34) White Salmon River (Cont.)*	<u>Willard</u> 15 <u>Hood River</u> 15	From Klickitat County line (Sec.2, T3N, R10E) downstream right bank only to mouth on Columbia River (Sec.23, same township).
(22) Prospector Creek	<u>Bridal Veil</u> 15	From the confluence of Prospector Creek and Deer Creek (Sec.18, T3N, R6E) downstream to mouth at Washougal River (Sec.13, T3N, R5E).	(35) Wildboy Creek	<u>Bridal Veil</u> 15	The flow exceeds 200 cfs MAF at Skamania-Klickitat County line.
(23) Range Creek	<u>Mt. St. Helens</u> 15	From south section line of (Sec.12, T6N, R5E) downstream to Swift Reservoir (Sec.6, T6N, R6E).	(36) Wind River*	<u>Wind River</u> * 15 <u>Bonneville Dam</u> 15	From the confluence of Wildboy Creek and Texas Creek (Sec.17, T2N, R5E) downstream to West Fork Washougal River (Sec.20, same township).
(24) Rock Creek	<u>Lookout Mt.</u> 15 <u>Wind River</u> 15 <u>Bonneville Dam</u> 15	From west section line (Sec.2, T3N, R6E) downstream to Columbia River (Sec.1, T2N, R7E).	(37) Woodward Creek	<u>Bridal Veil</u> 15	Beginning at the north section line of (Sec.9, T4N, R7E) downstream to mouth at Columbia River (Sec.27, T3N, R8E).
(25) Siouxon Creek	<u>Lookout Mt.</u> 15	From the Gifford Pinchot National Forest boundary (Sec.31, T6N, R5E) downstream to Clark County line (same section) excluding federal lands.	(38) Unnamed Tributary to Swift Reservoir	<u>Mt. St. Helens</u> 15	The 200 cfs MAF point begins at Gifford Pinchot N.F. boundary (Sec.1, T3N, R71/2E).
(26) Spring Creek	<u>Bonneville Dam</u> 15	From the Gifford Pinchot National Forest boundary (Sec.22, T3N, R7E) downstream to mouth at Rock Creek (Sec.27, same township).	(39) Green River	<u>Spirit Lake</u> 15	From the confluence of Woodward Creek and unnamed creek (Sec.27, T2N, R6E) downstream to mouth at Columbia River (Sec.36, same township).
(27) Stebbins Creek	<u>Bridal Veil</u> 15	From the confluence of Stebbins Creek and unnamed creek (Sec.28, T3N, R6E) downstream to mouth at Washougal River (Sec.6, T2N, R6E).	(40) Drift Creek	<u>Mt. St. Helens</u> 15	From the east section line (Sec.2, T6N, R6E) downstream to mouth at Swift Reservoir (Sec.35, T7N, R6E).
(28) Swift Creek	<u>Mt. St. Helens</u> 15	From the Gifford Pinchot National Forest boundary (Sec.4, T7N, R5E) downstream to mouth at Swift Reservoir (Sec.16, same township) except those reaches within the National Forest.	(41) Coldwater Creek	<u>Spirit Lake</u> 15	From the Gifford Pinchot National Forest boundary (Sec.18, T10N, R6E) downstream to the Cowlitz-Skamania County line (Sec.6, same township). Exclude federal lands.
(29) Trout Creek	<u>Wind River</u> 15	Beginning in (SE1/4 of SE1/4 of NE1/4 of Sec.27, T4N, R7E) downstream to mouth at Wind River (Sec.26, same township).	(42) Miners Creek	<u>Spirit Lake</u> 15	From south section line (Sec.8, T6N, R6E) downstream to Swift Reservoir (Sec.5, same township). Exclude federal lands.
(30) Unnamed Tributary to Swift Creek	<u>Mt. St. Helens</u> 15	From the Gifford Pinchot National Forest boundary (Sec.10, T7N, R5E) downstream to mouth at Swift Creek (Sec.9, same township).			From east section line (Sec.29, T10N, R5E) downstream to Cowlitz-Skamania County line (Sec.31, same township). Exclude federal lands.

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(43) Smith Creek	<u>Mt. St. Helens</u> 15	From east section line of (Sec.30, T9N, R6E) downstream to mouth at Muddy River. (Sec.15, T8N, R6E) Exclude federal lands.	(9) Dubuque Creek	<u>Everett</u> 15 Snohomish 7 1/2	From confluence of Dubuque Creek and Panther Creek (Sec.22, T29N, R6E) downstream to mouth at Pilchuck River (Sec.21, same township).
(44) Cold Creek	<u>Wind River</u> 15	From NW1/4 of NE 1/4 (Sec.16, T4N, R7E) downstream to mouth at Wind River (Sec.9, same township).	(10) Elk Creek	<u>Index</u> 15	Beginning at Snoqualmie National Forest boundary (Sec.3, T28N, R10E) downstream, to mouth at Sultan River (Sec.30, T29N, R10E), excluding Snoqualmie National Forest land.
(45) Moss Creek	<u>Willard</u> 15	From the west section line of (Sec.27, T4N, R9E) downstream to confluence with Little White Salmon River (Sec.26, same township). Exclude federal lands.	(11) Elwell Creek	<u>Sultan</u> 7 1/2	From confluence of Elwell Creek and Youngs Creek (Sec.24, T27N, R7E) downstream to mouth at Skykomish River (Sec.12, same township).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-340, filed 6/30/80; Order DE 76-14, § 173-18-340, filed 5/3/76; Order 73-14, § 173-18-340, filed 8/27/73; Order DE 72-13, § 173-18-340, filed 6/30/72.]

WAC 173-18-350 Snohomish County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Anderson Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.24, T27N, R9E) downstream to mouth at Skykomish River (same section).	(13) French Creek	<u>Oso</u> 15	From Mt. Baker National Forest boundary (Sec.16, T32N, R8E) downstream to mouth at Stillaguamish River (Sec.10, same township) excluding Mt. Baker National Forest land.
(2) Ashton Creek	<u>Fortson</u> 7 1/2	From confluence of Ashton Creek and unnamed creek (Sec.20, T32N, R9E) downstream to mouth at Squire Creek (Sec.8, same township).	(14) Jim Creek	<u>Granite Falls</u> 15 Arlington East 7 1/2	From U.S. Naval Reservation boundary (Sec.31, T32N, R7E) downstream to mouth at Stillaguamish River South Fork (Sec.7, T31N, R6E).
(3) Barclay Creek	<u>Baring</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.25, T27N, R10E) downstream to mouth at Skykomish River South Fork (Sec.34, same township), excluding the part within Snoqualmie National Forest.	(15) Little Pilchuck Creek	<u>Lake Stevens</u> 7 1/2 Snohomish 7 1/2	From confluence of Little Pilchuck Creek and unnamed creek (Sec.22, T30N, R6E) downstream to mouth (Sec.21, T29N, R6E) at Pilchuck River.
(4) Boulder River	<u>Granite Falls</u> 15 Oso 15	From the Mt. Baker National Forest boundary (Sec.19, T32N, R8E) downstream to mouth at Stillaguamish River (Sec.9, T32N, R8E), excluding the part within Mt. Baker National Forest.	(16) May Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.3, T27N, R9E) downstream to mouth at Wallace River (Sec.36, T28N, R8E).
(5) Brooks Creek	<u>Oso</u> 15	Beginning where Brooks Creek is crossed by unimproved dirt road (Sec.9, 32N, R7E) downstream to mouth at Stillaguamish River North Fork (same section).	(17) McCoy Creek	<u>Monroe</u> 15 Sultan 7 1/2	From confluence of McCoy Creek and unnamed creek (Sec.17, T27N, R8E) downstream to mouth at Skykomish River (Sec.7, same township).
(6) Canyon Creek	<u>Granite Falls</u> 15	From the Mt. Baker National Forest boundary (Sec.25, T31N, R7E) downstream to mouth at Stillaguamish River South Fork (Sec.12, T30N, R6E).	(18) Montague Creek	<u>Oso</u> 15	From confluence of Montague Creek and unnamed creek (Sec.14, T32N, R7E) downstream to mouth at Stillaguamish River North Fork (Sec.10, same township).
(7) Dan Creek	<u>Darrington</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.8, T32N, R10E) downstream to mouth at Sauk River (same section).	(19) Mud Lake Outlet	<u>Granite Falls</u> 15	From an approximate point (SE1/4 of SE1/4, Sec.33, T31N, R7E) downstream to mouth at Canyon Creek (Sec.3, T30N, R7E).
(8) Deer Creek (Cont.)	<u>Oso</u> 15	From the Skagit County line (Sec.5, T32N, R7E) downstream to mouth at Stillaguamish River North Fork (Sec.17, T32N, R7E).	(20) North Creek	<u>Everett</u> 15 Bothell 7 1/2	From confluence of North Creek and unnamed creek (Sec.19, T27N, R5E) downstream to King County line (Sec.32, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(21) Olney Creek	<u>Index</u> 15	From Snoqualmie National Forest boundary (Sec.6, T28N, R9E) downstream to mouth at Wallace River (Sec.36, T28N, R8E).	(31) Skykomish River (South Fork) (Cont.)*	<u>Baring</u> 7 1/2 <u>Index</u> 15	From King County line (Sec.34, T27N, R10E) downstream to mouth at Skykomish River (Sec.19, same township) excluding all federal land. The flow exceeds 1,000 cfs MAF at King County line.
22) Pilchuck Creek (Cont.)	<u>Clear Lake</u> 15 <u>Arlington West</u> 7 1/2	From Skagit County line (Sec.4, T32N, R5E) downstream to mouth at Stillaguamish River (Sec.6, T31N, R5E).	(32) Snohomish River*	<u>Everett</u> 15 <u>Maltby</u> * 7 1/2 <u>Snohomish</u> 7 1/2 <u>Everett</u> 7 1/2 <u>Marysville</u> 7 1/2	From confluence of Skykomish River and Snoqualmie River (Sec.16, T27N, R6E) downstream to mouth at Possession Sound (Sec.7, T29N, R5E). The flow exceeds 1,000 cfs MAF at confluence of Skykomish River and Snoqualmie River.
(23) Pilchuck River	<u>Index</u> 15 <u>Lake Stevens</u> 7 1/2 <u>Snohomish</u> 7 1/2 <u>Monroe</u> 15 <u>Granite Falls</u> 15	From the Snoqualmie National Forest boundary (Sec.23, T29N, R8E) downstream to mouth at Snohomish River (Sec.19, T28N, R6E).	(33) Snoqualmie River* (Cont.)	<u>Monroe</u> 15 <u>Maltby</u> 7 1/2 <u>Monroe</u> 7 1/2	From the King County line (Sec.31, T27N, R7E) downstream to mouth at Snohomish River (Sec.16, T27N, R6E). The flow exceeds 1,000 cfs MAF at King County line.
(24) Portage Creek	<u>Arlington West</u> 7 1/2	From confluence of Portage Creek and unnamed creek (Sec.7, T31N, R5E) downstream to mouth at South Slough of the Stillaguamish River (Sec.12, T31N, R4E).	(34) Squire Creek	<u>Silverton</u> 15 <u>Fortson</u> 7 1/2	From the Mt. Baker National Forest boundary (Sec.27, T32N, R9E) downstream to mouth at Stillaguamish River N. Fork (Sec.8, same township).
(25) Proctor Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.15, T27N, R9E) downstream to mouth at Skykomish River (Sec.10, same township).	(35) Stevens Creek	<u>Lake Stevens</u> 7 1/2 <u>Snohomish</u> 7 1/2	From confluence of Stevens Creek and Catherine Creek (Sec.8, T29N, R6E) downstream to mouth at Little Pilchuck Creek (Sec.16, same township).
(26) Quilceda Creek	<u>Marysville</u> 7 1/2	From confluence of Quilceda Cr. and Middle Fork (Sec.9, T30N, R5E) downstream to mouth at Ebbey Slough of Possession Sound (Sec.31, T30N, R5E) excluding federal lands.	(36) Stillaguamish River*	<u>Arlington East</u> * 7 1/2 <u>Arlington West</u> 7 1/2 <u>Stanwood</u> 7 1/2	From confluence of South Fork and North Fork of Stillaguamish River (Sec. 2, T31N, R5E) downstream to mouth at Port Susan in Puget Sound (Sec.12, T31N, R3E). The flow exceeds 1,000 cfs MAF at confluence of N. Fork and South Fork Stillaguamish River.
(27) Rollins Creek	<u>Oso</u> 15	From confluence of Rollins Creek and unnamed creek (Sec.1, T32N, R7E) downstream to mouth at Stillaguamish River North Fork (Sec.12, same township).	(37) Stillaguamish River (N.F.) (Cont.)*	<u>Fortson</u> 7 1/2 <u>Oso</u> * 15 <u>Clear Lake</u> 15 <u>Arlington East</u> 7 1/2 <u>Arlington West</u> 7 1/2	From Snohomish County line (Sec.3, T32N, R9E) downstream to mouth at Stillaguamish River South Fork (Sec.2, T31N, R5E). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.9, T32N, R8E).
(28) Sauk River*	<u>Silverton</u> * 15 <u>Darrington</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.36, T32N, R9E) downstream to Snohomish County and Skagit County line (Sec.5, T32N, R10E). The 1,000 cfs MAF point is at Mt. Baker N. F. boundary.	(38) Stillaguamish River (South Fork)*	<u>Silverton</u> 15 <u>Granite Falls</u> * 15 <u>Lake Stevens</u> 7 1/2 <u>Arlington</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T30N, R10E) downstream to mouth at Stillaguamish River North Fork (Sec.2, T31N, R5E). The 1,000 cfs MAF point begins at mouth of Cranberry Creek (Sec.12, T30N, R7E). Exclude federal lands.
(29) Skykomish River*	<u>Index</u> * 15 <u>Sultan</u> 7 1/2 <u>Monroe</u> 7 1/2	From confluence of North Fork and South Fork of Skykomish River (Sec.19, T27N, R10E) downstream to mouth at Snohomish River (Sec.16, T27N, R6E) excluding all federal land. The 1,000 cfs MAF point begins at confluence of North and South Fork Skykomish River.	(39) Stony Creek	<u>Silverton</u> 15	From an approximate point (NE1/4 of NW1/4 Sec.18, T29N, R10E) downstream to mouth at Williamson Creek (Sec.12, T29N, R9E) excluding all federal land.
(30) Skykomish River (N. Fk.)*	<u>Index</u> * 15	Beginning at SW1/4 (Sec.20, T28N, R11E) downstream to mouth at Skykomish River (Sec.19, T27N, R10E) excluding those shores within federal lands. The 1,000 cfs MAF point begins at east section line (Sec.16, T27N, R10E).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(40) Sultan River	<u>Monte Cristo</u> 7 1/2 Sultan 7 1/2 Monroe 15 Index 15	Beginning at Snoqualmie National Forest boundary (Sec.22, T29N, R10E) downstream to mouth at Skykomish River (Sec.6, T27N, R8E) excluding all federal lands.	(52) Beckler River	<u>Evergreen Mtn.</u> 7 1/2	From the west section line (Sec.8, T27N, R12E) downstream to Snohomish-King County line (Sec.32, T27N, R12E). Exclude federal lands.
(41) Sultan River (N. Fork of South Fork)	<u>Index</u> 15	From confluence of Sultan River North Fork of South Fork and unnamed creek (Sec.7, T28N, R10E) downstream to mouth at Sultan River (Sec.28, T29N, R9E) excluding all federal land.	(53) Rapid River	<u>Captain Point</u> 7 1/2 <u>Evergreen Mtn.</u> 7 1/2	From east section line (Sec.13, T27N, R12E) downstream to Beckler River (Sec.29, T27N, R12E). Exclude federal lands.
(42) Swamp Creek	<u>Edmonds</u> 15 Edmonds E. 7 1/2 Bothell 7 1/2	From confluence of Swamp Creek and unnamed creek (Sec.26, T27N, R4E) downstream to King County line (Sec.35, same township).	[Order DE 76-14, § 173-18-350, filed 5/3/76; Order 73-14, § 173-18-350, filed 8/27/73; Order DE 72-13, § 173-18-350, filed 6/30/72.]		
(43) Unnamed Tributary to French Creek	<u>Everett</u> 15 Snohomish 7 1/2	From confluence of unnamed tributary to French Creek and unnamed creek (NW1/4 of Sec.34, T28N, R6E) downstream to mouth at French Creek (Sec.20, same township).	WAC 173-18-360 Spokane County. Streams		
(44) Wallace River	<u>Index</u> 15 Sultan 7 1/2	From the Snoqualmie National Forest boundary (Sec.25, T28N, R9E) downstream to mouth at Skykomish River (Sec.4, T27N, R8E).	Stream Name	Quadrangle Name and Size	Legal Description
(45) Wallace River (N. Fk.)	<u>Index</u> 15	From confluence of North Fork Wallace River and unnamed creek (Sec.28, T28N, R9E) downstream to mouth at Wallace River (Sec.33, same township).	(1) Deadman Creek	<u>Deer Park</u> 15	From the confluence of Deadman Creek and two unnamed creeks (Sec.1, T26N, R43E) downstream to mouth at Spokane River (Sec.33, T27N, R43E).
(46) Williamson Creek	<u>Silverton</u> 15 Index 15	Beginning at Snoqualmie National Forest boundary (Sec.6, T29N, R10E) downstream to mouth at Sultan River (Sec.24, T29N, R9E) excluding all federal lands.	(2) Dragoon Creek	<u>Deer Park</u> 15	From the confluence of Dragoon Creek and West Branch of the Dragoon Creek (Sec.22, T28N, R42E) downstream to mouth at the Little Spokane River (Sec.4, T27N, R43E).
(47) Woods Creek	<u>Monroe</u> 15 Monroe 7 1/2	From confluence of Woods Creek and unnamed creek (Sec.26, T29N, R7E) downstream to mouth at Skykomish River (Sec.12, T27N, R6E).	(3) Hangman Creek (Cont.)* or Latah Creek	<u>Fairfield</u> 15 Spangle* 15 Spokane SE 7 1/2 Spokane SW 7 1/2 Spokane NW 7 1/2	From the Whitman-Spokane County line (Sec.32, T21N, R45E) downstream to mouth on Spokane River (Sec.14, T25N, R42E). This stream has 300 square miles of drainage area ending at unnamed tributary (Sec.13, T23N, R43E) upstream from Rock Creek.
(48) Woods Creek (W. Fk.)	<u>Monroe</u> 15 Monroe 7 1/2	From confluence of Carpenter Creek and Woods Creek West Fork (Sec.5, T28N, R7E) downstream to mouth at Woods Creek (Sec.33, same township).	(4) Little Spokane River (Cont.)*	<u>Camden</u> 7 1/2 Elk 7 1/2 Deer Park* 15 Clayton 15	From the Pend Oreille County line (Sec.3, T29N, R44E) downstream (excluding all federal lands) to mouth at the Spokane River and Stevens County line (Sec.32, T27N, R42E). This stream has a 300 square mile drainage area ending at mouth of Deer Creek (Sec.34, T28N, R43E).
(49) Worthy Creek	<u>Granite Falls</u> 15	From confluence of Worthy Creek and unnamed creek (Sec.26, T30N, R7E) downstream to mouth at Pilchuck River (Sec.2, T29N, R7E).	(5) Little Spokane River (West Branch)	<u>Newport</u> 30 Fan Lake 7 1/2 Elk 7 1/2 Deer Park 15	From the Pend Oreille County line (Sec.5, T29N, R43E) downstream through Eloika Lake to mouth at Little Spokane River (Sec.26, same township).
(50) Youngs Creek	<u>Monroe</u> 15 Sultan 7 1/2	From an approximate point (NE1/4 of SE1/4 Sec.34, T27N, R8E) downstream to mouth at Elwell Creek (Sec.24, T27N, R7E).	(6) Pine Creek (Cont.)	<u>Spangle</u> 15	From Whitman County line (Sec.34, T21N, R43E) downstream back to Whitman County line (Sec.31, same township).
(51) Suiattle River*	<u>Huckleberry Mtn.</u> * 7 1/2 Prairie Mtn. 7 1/2	From the east section (Sec.20, T32N, R12E) downstream to Skagit-Snohomish County line (Sec.5, T32N, R11E). Exclude federal lands. The flow is 1000 cfs MAF at east section line (Sec.20, T32N, R12E).	(7) Rock Creek	<u>Fairfield</u> 15 Spangle 15 Spokane SE 7 1/2	From the confluence of Rock Creek and Rose Creek (Sec.34, T23N, R45E) downstream to mouth at Latah Creek (Sec.11, T23N, R43E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(8) Spokane River*	<u>Green Acres</u> * 15 Spokane NE 7 1/2 Spokane NW 7 1/2 Airway Heights 7 1/2 Clayton 15 Wellpinit 15	From the Washington-Idaho border (Sec.6, T25N, R46E) downstream to the Spokane-Stevens County line, along said county line to the Lincoln County line (Sec.19, T27N, R40E) excluding all federal lands. The flow is 200 cfs MAF and has 300 square miles of drainage area at Washington-Idaho border.	(6) Kettle River*	<u>Marcus</u> 30 Orient 7 1/2 Laurier* 7 1/2	From the United States-Canadian border (Sec.2, T40N, R36E) downstream along Ferry-Stevens Co. line. Left bank only to (Sec.20, T38N, R37E), excluding federal lands. This stream has both 200 cfs MAF and 300 sq. miles of drainage area at U.S.-Canadian border.
[Order DE 76-14, § 173-18-360, filed 5/3/76; Order 73-14, § 173-18-360, filed 8/27/73; Order DE 72-13, § 173-18-360, filed 6/30/72.]			(7) Little Pend Oreille River	<u>Lake Gillette</u> 7 1/2 Park Rapids 7 1/2 Cliff Ridge 7 1/2 Addy Mt. 7 1/2 Arden 7 1/2	That part of the Little Pend Oreille River outside the Little Pend Oreille National Wildlife Refuge (Sec.11, T35N, R41E) and that part outside Refuge (Sec.15 & 16, T35N, R41E), and that part outside refuge from (Sec.10, T34N, R40E) to Colville River (Sec.10, T34N, R39E).

WAC 173-18-370 Stevens County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Sheep Creek*	<u>Colville</u> 30 Belshazzor Mt. 7 1/2 Northport* 7 1/2	From the Colville National Forest boundary (Sec.13, T40N, R38E) downstream to mouth at the Columbia River near Sand Point (Sec.30, T40N, R40E). The 200 cfs MAF point begins at mouth of Little Sheep Creek (Sec.14, T40N, R39E).	(8) Little Sheep Cr.	<u>Colville</u> 30 Northport 7 1/2	From the confluence of Boundary Creek and Little Sheep Creek (Sec.10, T40N, R39E) downstream to mouth at Big Sheep Creek (Sec.14, same township).
(2) Chamokane Creek	<u>Clayton</u> 15 Wellpinit 15	From the confluence of Chamokane Creek and unnamed stream (Sec.23, T29N, R40E) downstream left shore only (right shore in Spokane Indian Reservation) to mouth on Spokane River (Sec.15, T27N, R39E).	(10) Onion Creek	<u>Colville</u> 30 Onion Creek 7 1/2	From the confluence of Onion Creek and unnamed creek (Sec.12, T38N, R39E) downstream to mouth at Columbia River (Sec.23, T39N, R39E). Excluding Coulee Dam National Recreation area.
(3) Chewelah Creek	<u>Chewelah Mt.</u> 15 Chewelah 7 1/2	From the confluence of the North Fork and the South Fork Chewelah Cr. (Sec.11, T32N, R40E) downstream to mouth on Colville River (Sec.23, same township).	(11) Spokane River (Cont.)*	<u>Clayton</u> 15 Wellpinit 15 Turtle Lake 15 Lincoln 15	From the Spokane County line on the Spokane River (Sec.32, T27N, R42E) downstream through Long Lake to Spokane Indian Reservation boundary (Sec.15, T27N, R39E), right shore only. This river has 300 sq. miles of drainage area and over 200 cfs MAF at Spokane Co. line.
(4) Colville River*	<u>Forest Center</u> 7 1/2 Waitts Lake 7 1/2 Valley 7 1/2 Chewelah* 7 1/2 Addy 7 1/2 Addy Mt. 7 1/2 Arden 7 1/2 Colville 7 1/2 Marcus 30	From the confluence of Deer Cr. and Sheep Creek (Sec.9, T30N, R40E) downstream (excluding all federal lands) to mouth at Columbia River (Sec.36, T36N, R37E). This river has over 300 sq. miles of drainage area ending at mouth of Chewelah Creek (Sec.23, T32N, R40E).	(12) Deep Creek (South Fork)	<u>Spirit</u> 7 1/2 Aladdin 7 1/2	From the confluence of Rocky Creek and South Fork of Deep Creek in (Sec.8, T37N, R41E) downstream to confluence North Fork Deep Creek and Deep Creek in (Sec.5, T38N, R41E).
(5) Columbia River*	<u>Boundary</u> * 7 1/2 Northport 7 1/2 Onion Creek 7 1/2 China Bend 7 1/2 Bossburg 7 1/2 Marcus 7 1/2 Kettle Falls 7 1/2 Bangs Mountain 7 1/2 Inchelium 15 Hunters 15 Wilmont Creek 15	From the United States-Canadian boundary (Sec.2, T40N, R41E) downstream to Spokane Indian Reservation boundary (Sec.23, T29N, R35E). This river has over 200 cfs MAF at U.S.-Canadian border.	(13) Deep Creek (North Fork)	<u>Deep Lake</u> 7 1/2 Aladdin 7 1/2	From the confluence of McKinnon Creek and North Fork Deep Creek in (Sec.11, T39N, R41E) downstream through Deep Lake to confluence with South Fork Deep Creek and Deep Creek in (Sec.5, T38N, R41E).
			(14) Deep Creek	<u>Aladdin</u> 7 1/2 Spirit 7 1/2	From the confluence of the South Fork and North Fork of Deep Creek in (Sec.5, T38N, R41E) downstream to mouth at Columbia River (Sec.34, T40N, R40E).

[Order DE 76-14, § 173-18-370, filed 5/3/76; Order 73-14, § 173-18-370, filed 8/27/73; Order DE 72-13, § 173-18-370, filed 6/30/72.]

WAC 173-18-380 Thurston County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name (12)	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	<u>Tenino</u> 15 Maytown 7 1/2 Rochester 15	From the confluence of Beaver Creek and unnamed creek (Sec.11, T16N, R2W) downstream to mouth at Black River (Sec.2, T16N, R3W).	(12) Mitchell Creek	<u>Ohop Valley</u> 15 Bald Hill 7 1/2	From the confluence of Mitchell Creek and unnamed creek (Sec.18, T15N, R3E) downstream to mouth at Deschutes River (Sec.7, same township).
(2) Black River	<u>Tenino</u> 15 Maytown 7 1/2 Rochester 15	From the confluence of Dempsey Creek and the Black River (Sec.13, T17N, R3W) downstream to Grays Harbor County line (Sec.26, T16N, R4W).	(13) Nisqually River (Cont.)*	<u>Kapowsin</u> 15 Ohop Valley 15 Yelm 7 1/2 Anderson Island 15	From the Pierce County line in Alder Reservoir (Sec.20, T15N, R5E) downstream along left shore only, (exclude area from LaGrande Dam downstream to powerhouse due to use of aqueduct; also exclude all federal lands) to the Nisqually Indian Reservation boundary (Sec.11, T17N, R1E). The flow exceeds 1,000 cfs MAF at Pierce County line in Alder Reservoir.
(3) Black Lake Drainage Ditch	<u>Tumwater</u> 7 1/2	From outlet of Black Lake (Sec.32, T18N, R2W) downstream to confluence with Percival Creek (Sec.21, T18N, R2W).	(14) Percival Creek	<u>Tumwater</u> 7 1/2	From the confluence of Percival Creek and stream from Black Lake (Sec.21, T18N, R2W) downstream to mouth at Capitol Lake (Sec.22, same township).
(4) Cedar Creek	<u>Rochester</u> 15	From the confluence of Cedar Cr. and Sherman Creek (Sec.2, T16N, R4W) downstream to Grays Harbor County line (same section).	(15) Scatter Creek	<u>Tenino</u> 15 Bucoda 7 1/2 Tenino S.W. 7 1/2 Rochester 15	From confluence of Scatter Creek and unnamed creek (Sec.20, T16N, R1W) downstream to mouth at Chehalis River (Sec.7, T15N, R3W).
(5) Chehalis River (Cont.)*	<u>Rochester</u> 15	From Lewis County line (Sec.23, T15N, R3W) downstream to Grays Harbor County line (Sec.11, T15N, R4W), excluding all federal lands. The flow exceeds 1,000 cfs MAF at Lewis County line.	(16) Sherman Creek	<u>Rochester</u> 15	From the confluence of Sherman Creek and Monroe Creek (Sec.25, T17N, R4W) downstream to mouth on Cedar Cr. (Sec.2, T16N, R4W).
(6) Deschutes River (Cont.)	<u>Ohop Valley</u> 15 Bald Hill 7 1/2 Lake Lawrence 7 1/2 Vail 7 1/2 Weir Prairie 7 1/2 East Olympia 7 1/2 Tumwater 7 1/2 Maytown 7 1/2	From Lewis County line (Sec.24, T15N, R3E) downstream to mouth at Capitol Lake (Sec.26, T18N, R2W), excluding all federal lands.	(17) Skookum-chuck River (Cont.)	<u>Yelm</u> 15 Tenino 15	From the Lewis County line (Sec.20, T15N, R2E) downstream back to the Lewis County line (Sec.21, T15N, R2W).
(7) Kennedy Creek	<u>Shelton</u> 15	From the confluence of Kennedy Creek and unnamed creek (Sec.14, T18N, R4W) downstream to the Mason County line (Sec.6, T18N, R3W).	(18) Thompson Creek	<u>Yelm</u> 15 Weir Prairie 7 1/2	From the intersection of Highway SR 510 and Thompson Creek (Sec.11, T17N, R1E) downstream to mouth at Nisqually River (same section).
(8) Little Nisqually River (Cont.)	<u>Ohop Valley</u> 15 Eatonville 7 1/2	From the Lewis-Thurston County line (Sec.21, T15N, R4E) downstream to Alder Lake (Sec.16, same township).	(19) Waddell Creek	<u>Rochester</u> 15	From an approximate point (SE1/4 of NW1/4 of Sec.8, T17N, R3W) downstream to mouth at Black River (Sec.2, T16N, R3W).
(9) McAllister Creek	<u>Anderson Island</u> 15 Nisqually 7 1/2	From the McAllister Springs (Sec.19, T18N, R1E) downstream to mouth at Nisqually Head (Sec.31, T19N, R1E).	(20) Woodland Creek	<u>Lacey</u> 7 1/2	From an approximate point (NE1/4 of NE1/4 of SE1/4 of Sec.9, T18N, R1W) downstream to mouth at Henderson Inlet near South Bay (Sec.32, T19N, R1W).
(10) McLane Creek	<u>Tumwater</u> 7 1/2	From an approximate point (SW1/4 of NE1/4 of Sec.25, T18N, R3W) downstream to mouth at Eld Inlet (Sec.19, T18N, R2W).	(21) Yelm Creek	<u>Yelm</u> 15 McKenna 7 1/2 Weir Prairie 7 1/2	From the confluence of Yelm Creek and Yelm ditch (Sec.29, T17N, R2E) downstream to mouth at Nisqually River (Sec.12, T17N, R1E).
(11) Mima Creek	<u>Rochester</u> 15	From an approximate point (NE1/4 of NW1/4 of Sec.16, T16N, R3W) downstream to mouth at Black River (Sec.20, same township).			

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-18-380, filed 4/15/85; Order DE 76-14, § 173-18-380, filed 5/3/76; Order 73-14, § 173-18-380, filed 8/27/73; Order DE 72-13, § 173-18-380, filed 6/30/72.]

WAC 173-18-390 Wahkiakum County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name (11)	Quadrangle Name and Size	Legal Description
(1) Alger Creek	<u>Skamokawa</u> 15	From the intersection of State Sign Route 4 and Alger Creek (Sec.15, T9N, R6W) downstream to mouth at Brooks Slough (same section).	Fossil Creek	<u>Grays River</u> 15	From the confluence of Fossil Cr. and an unnamed cr. (Sec.10, T10N, R7W) downstream to mouth at Grays River (Sec.9, same township).
(2) Beaver Creek	<u>Cathlamet</u> 15	From the confluence of Beaver Cr. and unnamed creek (Sec.33, T9N, R5W) downstream to mouth at Elochoman River (Sec.32, same township).	(12) Grays River (Cont.)	<u>Grays River</u> 15	From the Pacific Co. line (Sec.2, T10N, R7W) downstream to mouth at Grays Bay (Sec.32, T10N, R8W).
(3) Columbia River (Cont.)*	<u>Clatskanie</u> 15 <u>Cathlamet</u> 15 <u>Skamokawa</u> 15 <u>Grays River</u> 15	From the Cowlitz Co. line on Columbia River (Sec.20, T8N, R4W) downstream along the Wash.-Oregon boundary to the Pacific Co. line to Grays Bay (Sec.7, T9N, R9W). The flow exceeds 1,000 cfs MAF at Cowlitz County line.	(13) Grays River (S. Fork)	<u>Skamokawa</u> 15	From an approximate point (SW1/4 of NE1/4 of Sec.1, T10N, R6W) downstream to Pacific County line (Sec.5, same township).
(4) Crooked Creek	<u>Grays River</u> 15	From the confluence of Crooked Creek and the So. Fork Crooked Cr. (Sec.36, T10N, R8W) downstream to Grays Bay (Sec.4, T9N, R8W).	(14) Grays River (W. Fk.) (Cont.)	<u>Grays River</u> 15	From the Pacific County line (NW1/4 of NW1/4 Sec.4, T10N, R7W) downstream to mouth at Grays River (Sec.9, same township).
(5) Deep River	<u>Grays River</u> 15	From the confluence of Deep River and Hendrickson Canyon Stream (Sec.9, T10N, R8W) downstream to mouth at Grays Bay (Sec.31, T9N, R8W).	(15) Hull Creek (Cont.)	<u>Grays River</u> 15	From Pacific County line (Sec.5, T10N, R7W) downstream to mouth at Grays R. (Sec.13, T10N, R8W).
(6) Elochoman River	<u>Skamokawa</u> 15 <u>Cathlamet</u> 15	From the confluence of the West Fork Elochoman and the North Fork Elochoman River (Sec.26, T10N, R5W) downstream to mouth at Elochoman Slough (Sec.36, T9N, R6W).	(16) Jim Crow Creek	<u>Grays River</u> 15	From the confluence of Jim Crow Creek and unnamed creek (Sec.4, T9N, R7W) downstream to mouth at Columbia River (Sec.16, same township).
(7) Elochoman River (East Fk.) (Cont.)	<u>Ryderwood</u> 15	From the Cowlitz Co. line (Sec.7, T10N, R4W) downstream to Elochoman River (Sec.13, T10N, R5W).	(17) McDonald Creek	<u>Skamokawa</u> 15	From the confluence of McDonald Creek and unnamed creek (Sec.22, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec.29, same township).
(8) Elochoman River (North Fk.)	<u>Skamokawa</u> 15 <u>Ryderwood</u> 15	From the confluence of North Fk. Elochoman R. and unnamed creek (Sec.12, T10N, R5W) downstream to mouth at Elochoman River (Sec.26, T10N, R5W).	(18) Mill Creek	<u>Cathlamet</u> 15 <u>Clatskanie</u> 15	From the NW Section corner (Sec.25, T9N, R5W) downstream to the Cowlitz County line (Sec.31, T9N, R4W).
(9) Elochoman River (West Fk.)	<u>Skamokawa</u> 15	From the confluence of West Fork Elochoman R. and unnamed creek (Sec.21, T10N, R5W) downstream to mouth at Elochoman River (Sec.26, same township).	(19) Naselle River	<u>Grays River</u> 15	From the Pacific County line (Sec.6, T10N, R8W) downstream back to Pacific Co. line (same section).
(10) Falk Creek	<u>Skamokawa</u> 15	From an approximate point (NW1/4 of NE1/4 of SW1/4 of Sec.33, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec.5, T9N, R6W).	(20) Nelson Creek	<u>Cathlamet</u> 15	From the intersection of Nelson Cr. and Risk Rd. (Sec.25, T9N, R6W) downstream to mouth at Elochoman River (Sec.26, same township).
			(21) Otter Creek	<u>Ryderwood</u> 15	From the confluence of Otter Cr. and unnamed creek near the north section line (Sec.7, T10N, R4W) downstream to the East Fk. Elochoman R. (same section).
			(22) Salmon Creek (Cont.)	<u>Grays River</u> 15	From the Pacific County line (Sec.5, T10N, R8W) downstream to Pacific County line (Sec.7, same township).
			(23) Skamokawa Creek	<u>Skamokawa</u> 15	From the confluence of McDonald Creek and Standard Creek (Sec.28, T10N, R6W) downstream to mouth at Columbia River (Sec.17, T9N, R6W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(24) Skamokawa Creek (Left Fk.)	<u>Skamokawa</u> 15	From the confluence of the Left Fork Skamokawa Cr. and unnamed creek (Sec.19, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec.29, same township).
(25) Skamokawa Creek (West Fk.)	<u>Skamokawa</u> 15	From the confluence of West Fork Skamokawa Creek and Kelly Creek (Sec.31, T10N, R6W) downstream to Skamokawa Creek (Sec.8, T9N, R6W).
(26) West Valley Creek	<u>Skamokawa</u> 15	From an approximate point (NE1/4 of Sec.1, T9N, R7W) downstream to mouth at the West Fork Skamokawa Cr. (Sec.6, T9N, R6W).
(27) Wilson	<u>Skamokawa</u> 15	From the confluence of Wilson Cr. and unnamed creek (SW1/4 of NE1/4 of Sec.5, T9N, R5W) downstream to mouth at Skamokawa Creek (Sec.5, T9N, R6W).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-390, filed 6/30/80; Order DE 76-14, § 173-18-390, filed 5/3/76; Order 73-14, § 173-18-390, filed 8/27/73; Order DE 72-13, § 173-18-390, filed 6/30/72.]

WAC 173-18-400 Walla Walla County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*		Columbia River within Walla Walla County is under federal jurisdiction. This river has over 200 cfs MAF at Franklin County line.
(2) Dry Cr.	<u>Walla Walla</u> 30 Lowden 7 1/2 College Place 7 1/2 Hadley 7 1/2 Valley Grove 7 1/2 Dixie 7 1/2	From an approximate point near the center of quarter section (SE1/4 of Sec.36, T8N, R36E) downstream to mouth at Walla Walla River (Sec.29, T7N, R34E).
(3) Mill Cr.	<u>Walla Walla</u> 30 Kooskooskie 7 1/2 Buroker 7 1/2 Walla Walla 7 1/2 College Place 7 1/2	From the Wash.-Ore. state boundary (Sec.18, T6N, R38E) downstream to mouth at Walla Walla River (Sec.31, T7N, R35E) exclude left bank (Sec. 32, same township).
(4) Snake R. (Cont.)*		Snake River within Walla Walla County is under federal jurisdiction. This stream has over 300 sq. miles drainage area and over 200 cfs MAF at Columbia County line.
(5) Touchet River (Cont.)*	<u>Walla Walla</u> 30 Eureka 7 1/2 Rulo 7 1/2 Welland 7 1/2 Touchet 7 1/2 Huntsville 7 1/2 Waitsburg 7 1/2 Prescott 7 1/2 Harsha 7 1/2	From the Columbia County line (Sec.12, T9N, R37E) downstream to mouth on Walla Walla River (Sec.4, T6N, R33E). This river has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec. 11, T9N, R37E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(6) Walla Walla River*	<u>Walla Walla</u> 30 College Place 7 1/2 Lowden 7 1/2 Touchet 7 1/2 Zangar Junction 7 1/2 Wallula 7 1/2	From the Washington-Oregon boundary (Sec.13, T6N, R35E) downstream to mouth at Lake Wallula (Sec.26, T7N, R31E). This river has 300 sq. miles of drainage area at Washington-Oregon boundary.

[Order DE 76-14, § 173-18-400, filed 5/3/76; Order 73-14, § 173-18-400, filed 8/27/73; Order DE 72-13, § 173-18-400, filed 6/30/72.]

WAC 173-18-410 Whatcom County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Anderson Creek	<u>Lynden</u> 15 Lawrence 7 1/2	From confluence of Anderson Creek and unnamed creek (Sec.7, T38N, R4E) downstream to mouth at Nooksack River (Sec.17, T39N, R4E).
(2) Austin Creek	<u>Samish Lake</u> 15 Lake Whatcom 7 1/2	From confluence of Austin Creek and Beaver Creek (Sec.7, T37N, R4E) downstream to mouth at Lake Whatcom (Sec.5, same township).
(3) Bertrand Creek	<u>Blaine</u> 15 Bertrand Creek 7 1/2	Beginning at U.S., Canada border (Sec.35, T41N, R2E) downstream to mouth at Nooksack R. (Sec.34, T40N, R2E).
(4) Boulder Creek	<u>Van Zandt</u> 15	From confluence of Boulder Creek and unnamed creek (Sec.22, T40N, R6E) downstream to mouth at Nooksack River (Sec.28, same township).
(5) Breckenridge Creek	<u>Lynden</u> 15 Sumas 7 1/2	From approximate point (SE1/4 of NW1/4 Sec.26, T40N, R4E) downstream to mouth Sumas River (Sec.29, same township).
(6) California Creek	<u>Blaine</u> 15 Blaine 7 1/2	From confluence of California Creek and unnamed creek (Sec.27, T40N, R1E) downstream to mouth at Drayton Harbor (Sec.18, same township).
(7) Canyon Creek	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.25, T40N, R6E) downstream to mouth at Nooksack River North Fork (Sec.35, same township).
(8) Canyon Creek	<u>Van Zandt</u> 15	From confluence of Canyon Creek and unnamed creek (Sec.32, T39N, R6E) downstream through Canyon Lake to mouth at Nooksack River M. Fork (Sec.34, T39N, R5E).
(9) Clearwater Creek	<u>Mt. Baker</u> 15 <u>Van Zandt</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.11, T38N, R6E) downstream to mouth at Nooksack River M. Fk. (Sec.21, same township).
(10) Coal Creek	<u>Van Zandt</u> 15	From an approximate point (SW1/4 of SE1/4 Sec.4, T39N, R5E) downstream to mouth at Nooksack River (Sec.10, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(11) Dakota Creek	<u>Blaine</u> 15 Blaine 7 1/2	From confluence of Dakota Creek and North Fork Dakota Creek (Sec.14, T40N, R1E) downstream to mouth at Drayton Harbor (Sec.7, same township).	(23) Nooksack River (N. Fk.)	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.5, T39N, R7E) downstream to where the medium-duty road crosses Nooksack River (Sec.2, T39N, R6E).
(12) Fishtrap Creek	<u>Lynden</u> 15 Lynden 7 1/2 Bertrand 7 1/2	From the British Columbia-Washington state border (Sec.34, T41N, R3E) downstream to mouth at Nooksack River (Sec.35, T40N, R2E).	(24) Nooksack River (S. Fk.) (Cont.)*	<u>Wickersham</u> * 15 Van Zandt 15	From Skagit County line (Sec.35, T37N, R5E) downstream to mouth at Nooksack River (Sec.6, T38N, R5E). The 1,000 cfs MAF point begins at mouth of Hutchinson Creek (Sec.9, T37N, R5E).
(13) Friday Creek	<u>Samish Lake</u> 15 Lake Whatcom 7 1/2	From the outflow of Samish Lake on southern tip (Sec.36, T37N, R3E) downstream to Skagit County line (same section).	(25) Orsino Creek	<u>Wickersham</u> 15	From an approximate point (SE1/4 of NW1/4 Sec.9, T37N, R6E) downstream to mouth at Skookum Creek (Sec.16, same township).
(14) Galbraith Creek	<u>Wickersham</u> 15 Van Zandt 15	From confluence of Galbraith Creek and unnamed creek (Sec.33, T38N, R6E) downstream to mouth at Nooksack River (Sec.27, same township).	(26) Porter Creek	<u>Van Zandt</u> 15	From confluence of Porter Creek and unnamed creek (Sec.12, T38N, R5E) downstream to mouth at Nooksack River M. Fork (Sec.11, same township).
(15) Hayden Creek	<u>Hamilton</u> 15 Wickersham 15	From confluence of Hayden Creek and unnamed creek (Sec.26, T37N, R6E) downstream to mouth at Skookum Creek (Sec.22 same township).	(27) Racehorse Creek	<u>Van Zandt</u> 15	Beginning at north section line (SW1/4 of NE1/4 of Sec.21, T39N, R6E) downstream to mouth at Nooksack River (Sec.10, T39N, R5E).
(16) Howard Creek	<u>Hamilton</u> 15	From confluence of Howard Creek and unnamed creek (Sec.35, T37N, R6E) downstream to Skagit County line (Sec.36, same township).	(28) Rocky Creek	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.35, T39N, R6E) downstream to mouth at Clearwater Creek (Sec.2, T38N, R6E).
(17) Hutchinson Creek	<u>Wickersham</u> 15	From confluence of Hutchinson Creek and unnamed creek (Sec.1, T37N, R5E) downstream to mouth at Nooksack River South Fork (Sec.9, same township).	(29) Saar Creek	<u>Van Zandt</u> 15	From an approximate point (NW1/4 of SE1/4 Sec.7, T40N, R5E) downstream to British Columbia-Washington state boundary (Sec.32, T41N, R5E).
(18) Johnson Creek (in flood plain)	<u>Lynden</u> 15 Sumas 7 1/2 Van Zandt 15	From confluence of Johnson Creek and unnamed creek near north section line (Sec.8, T40N, R4E) downstream to mouth at Sumas River (Sec.35, T41N, R4E).	(30) Samish River (in flood plain)	<u>Wickersham</u> 15	From confluence of Samish River and unnamed creek (Sec.31, T37N, R5E) downstream to Skagit County line (same section).
(19) Kendall Creek	<u>Van Zandt</u> 15	Beginning where medium duty highway crosses Kendall Creek (Sec.27, T40N, R5E) downstream to mouth at Nooksack River (Sec.3, T39N, R5E).	(31) Sisters Creek	<u>Hamilton</u> 15 <u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.25, T38N, R6E) downstream to mouth at Nooksack River M. Fork (Sec.26, same township).
(20) Maple Creek	<u>Van Zandt</u> 15	Beginning where unimproved dirt road crosses Maple Creek (Sec.18, T40N, R6E) downstream to mouth at Nooksack River (Sec.31, same township).	(32) Skookum Creek	<u>Wickersham</u> 15	From confluence of Hayden Creek and Fish Creek (Sec.22, T37N, R6E) downstream to mouth at Nooksack River South Fork (Sec.27, T37N, R5E).
(21) Nooksack River*	<u>Mt. Baker</u> * 15 Lawrence 7 1/2 Sumas 7 1/2 Lynden 7 1/2 Bertrand 7 1/2 Ferndale 7 1/2 Van Zandt 15	Beginning at east section line (Sec.5, T39N, R7E) south bank only, both sides starting at east section line (Sec.1, T39N, R6E), downstream to mouth at Bellingham Bay (Sec.19, T38N, R2E). Exclude federal lands. The 1,000 cfs MAF point begins at confluence with Glacier Creek.	(33) Smith Creek (in flood plain)	<u>Lynden</u> 15 Lawrence 7 1/2	From confluence of Smith Creek and unnamed creek (Sec.26, T39N, R4E) downstream to mouth at Nooksack River (Sec.21, same township).
(22) Nooksack River (M. Fk.)	<u>Mt. Baker</u> 15 Van Zandt 15	From Mt. Baker National Forest boundary (Sec.25, T38N, R6E) downstream to mouth at Nooksack River (Sec.27, T39N, R5E).	(34) Squalicum Creek	<u>Lynden</u> 15 Bellingham N. 7 1/2 Ferndale 7 1/2	Beginning where unimproved dirt road crosses Squalicum Creek (Sec.9, T38N, R3E) downstream to mouth at Bellingham Bay (Sec.24, T38N, R2E).

WAC 173-18-420 Whitman County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(35) Sumas River	<u>Lynden</u> 15 Van Zandt 15 Sumas 7 1/2	From confluence of Sumas River and Dale Creek (Sec.4, T39N, R4E) downstream to British Columbia-Washington state boundary (Sec.36, T41N, R4E).	(1) Hangman Creek (Latah Creek)	<u>Tekoa</u> 7 1/2 Oaksdale 7 1/2 Fairfield 15	From the Washington-Idaho boundary (Sec.29, T20N, R46E) downstream to Whitman-Spokane County line (Sec.4, T29N, R45E).
(36) Tenmile Creek	<u>Lynden</u> 15 Bellingham North 7 1/2 Ferndale 7 1/2 Lynden 7 1/2	From east section line (Sec.17, T39N, R3E) downstream through Barrett Lake to mouth at Nooksack River (Sec.20, T39N, R2E).	(2) Palouse River (S. Fork)	<u>Pullman</u> 7 1/2 Albion 7 1/2 Colfax South 7 1/2 Colfax North 7 1/2	From the confluence of the South Fork of the Palouse River and unnamed creek (Sec.16, T14N, R45E) downstream to mouth at Palouse River (Sec.11, T16N, R43E) in Colfax.
(37) Terrell Creek	<u>Blaine</u> 7 1/2 Birch Point 7 1/2	Beginning at (NE1/4 of SE1/4 of NE1/4 Sec.2, T39N, R1W) downstream to mouth at Birch Bay (Sec.30, T40N, R1E).	(3) Palouse River*	<u>Palouse</u> 7 1/2 Elberton 7 1/2 Colfax 7 1/2 Diamond 7 1/2 Endicott 15 La Crosse 15 Benge 15 Starbuck 15	From the Washington-Idaho boundary (Sec.5, T16N, R46E) downstream to Adams County line (Sec.24, T16N, R38E) along Adams and Franklin County lines to mouth at Snake River (Sec.19, T13N, R37E). The flow is 200 cfs MAF at Washington-Idaho boundary.
(38) Unnamed tributary flowing to Canada	<u>Mt. Baker</u> 15 Van Zandt 15	From an approximate point (between NW1/4 and NE1/2 Sec.2, T40N, R6E) to downstream to British Columbia-Washington state boundary (Sec.34, T41N, R6E).	(4) Pine Creek*	<u>Rosalie</u> 7 1/2 Spangle 15 Malden* 7 1/2 Pine City 7 1/2	From the confluence of Pine Creek and unnamed creek (NW1/4 of Sec.16, T20N, R44E) downstream to mouth at Rock Creek (Sec.15, T20N, R41E), excluding that stretch within Spokane County. This stream has over 300 sq. miles of drainage area ending at mouth of Cache Creek (Sec.23, T20N, R42E).
(39) Warm Creek	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.24, T38N, R6E) downstream to mouth at Nooksack River M. Fk. (Sec.25, same township).	(5) Rock Creek*	<u>Pine City</u> 7 1/2 Rock Lake 7 1/2 Ewan 7 1/2 Texas Lake 7 1/2 Revere 7 1/2 La Crosse 15	From the confluence of Rock Creek and Pine Creek (Sec.15, T20N, R41E) downstream through Rock Lake to mouth at Palouse River (Sec.5, T16N, R39E) excluding those reaches in Adams County. Over 300 sq. miles drainage area at confluence of Rock Creek and Pine Creek.
(40) West Cornell Creek	<u>Mt. Baker</u> 15	From confluence of unnamed creek and West Cornell Creek (Sec.13, T39N, R6E) downstream to mouth at Nooksack River North Fork (Sec.1, same township).	(6) Snake River*	<u>Clarkston</u> * 15 Colton 7 1/2 Bishop 7 1/2 Kirby 7 1/2 Almota 7 1/2 Penawawa 15 Hay 15 Starbuck 15	From the Washington-Idaho boundary (Sec.16, T36N, R46E) downstream along the Whitman-Asotin County line and Garfield-Whitman County line and Columbia-Whitman County line to the Franklin County line (Sec.30, T13N, R37E). All of river under federal jurisdiction. This stream has over 200 cfs MAF flow at Washington-Idaho border.
(41) Whatcom Creek	<u>Bellingham N.</u> 7 1/2	From the outlet of Lake Whatcom (Sec.28, T38N, R3E) downstream to mouth at Bellingham Bay (Sec.30, same township).	(7) Union Flat Creek*	<u>Ewartsville</u> 7 1/2 Colfax South 7 1/2 Wilcox 7 1/2 Endicott 15 La Crosse* 15	From the confluence of Wilbur Creek and Union Flat Creek (Sec.6, T14N, R44E) downstream to mouth at Palouse River (Sec.35, T16N, R38E). This stream has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec.31, T16N, R39E).
(42) Glacier Creek	<u>Mt. Baker</u> 15	From confluence of Glacier Creek and Davis Creek (Sec.8, T39N, R7E) downstream to mouth at North Fork Nooksack River (Sec.6, same township).			
(43) Padden Creek	<u>Bellingham S.</u> 7 1/2	From confluence of unnamed creek and Padden Creek (NW1/4 Sec.7, T37N, R3E) downstream to mouth on Bellingham Bay (Sec.1, T37N, R2E).			
(44) Anderson Creek	<u>Wickersham</u> 15 Lake Whatcom 7 1/2	From outlet on Mirror Lk. (Sec.30, T37N, R5E) downstream to mouth on Lake Whatcom (Sec.27, T37N, R4E).			
(45) Chuckanut Creek	<u>Bellingham S.</u> 7 1/2	From confluence of unnamed creek and Chuckanut Creek (NW1/4 of SW1/4 Sec.17, T37N, R3E) downstream to mouth at Chuckanut Bay (Sec.13, T37N, R2E).			
(46) Smith Creek	<u>Lake Whatcom</u> 7 1/2	From confluence of unnamed creek and Smith Creek (SE1/4 of SW1/4, Sec.33, T38N, R4E) downstream to mouth on Lake Whatcom (Sec.5, T37N, R4E).			

[Order DE 76-14, § 173-18-410, filed 5/3/76; Order 73-14, § 173-18-410, filed 8/27/73; Order DE 72-13, § 173-18-410, filed 6/30/72.]

[Order DE 76-14, § 173-18-420, filed 5/3/76; Order 73-14, § 173-18-420, filed 8/27/73; Order DE 72-13, § 173-18-420, filed 6/30/72.]

WAC 173-18-430 Yakima County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name (10) Tieton River*	Quadrangle Name and Size <u>Weddle Canyon</u> 7 1/2 Tieton* 7 1/2	Legal Description
(1) Ahtanum Creek	Tampico 7 1/2 Wiley City 7 1/2 Yakima West 7 1/2 Yakima East 7 1/2	From confluence of North and South Forks of Ahtanum Creek (Sec.17, T12N, R16E) downstream to mouth at Yakima River (Sec.17, T12N, R19E) excluding those reaches within Yakima Indian Reservation.	(11) Tieton River (S. Fk.)	<u>White Pass</u> 15 Rimrock Lake 7 1/2	From west section line (Sec.29, T14N, R15E) downstream to mouth at Naches River (Sec.35, T15N, R16E). Exclude federal lands. The flow is 200 cfs MAF at west section line (Sec.29, T14N, R15E).
(2) Ahtanum Creek (N. Fk.)	<u>Foundation Ridge</u> 7 1/2 Pine Mtn. 7 1/2 Tampico 7 1/2	From confluence of Ahtanum Creek North Fork and Ahtanum Creek Middle Fork (Sec.24, T12N, R14E) downstream to mouth at Ahtanum Creek South Fork (Sec.17, T12N, R16E).	(12) Yakima River (Cont.)*	<u>Pomona</u> * 7 1/2 Selah 7 1/2 Yakima East 7 1/2 Wapato 7 1/2 Toppenish 7 1/2 Granger N.W. 7 1/2 Granger 7 1/2 Sunnyside 7 1/2 Mabton West 7 1/2 Mabton East 7 1/2 Prosser 7 1/2	From the south section line (Sec.23, T12N, R12E) downstream to mouth at Rimrock Lake (Sec.7, T13N, R14E). Exclude federal lands.
(3) Ahtanum Creek (S. Fk.)	<u>Pine Mtn.</u> 7 1/2 Tampico 7 1/2	From confluence of unnamed creek and Ahtanum Creek South Fork (Sec.24, T12N, R15E) downstream to mouth at Ahtanum Creek (left bank only).			From the Kittitas County line (Sec.33, T15N, R19E) downstream, excluding all federal lands and Yakima Indian Reservation, to Benton County line (Sec.7, T8N, R24E). The flow exceeds 200 cfs MAF at Kittitas County line.
(4) Columbia River*	<u>Priest Rapids</u> 15	From the Yakima Firing Center boundary (Sec.3, T13N, R23E) downstream along the Grant-Yakima County line to Benton County line (Sec.12, T13N, R23E). The flow exceeds 200 cfs MAF at Yakima Firing Center boundary.			
(5) Cowiche Creek (S. Fork)	<u>Tieton</u> 7 1/2 Naches 7 1/2 Wiley City 7 1/2 Yakima 7 1/2 Selah West 7 1/2	From an approximate point (NW1/4 of NE1/4 Sec.33, T14N, R16E) downstream through Cowiche Creek to mouth at Naches River (Sec.9, T13N, R18E).			
(6) Bumping River*	<u>Bumping Lake</u> * 15 Old Scab Mtn. 7 1/2 Cliffdell 7 1/2	From U.S.G.S. gaging station (Sec.23, T16N, R12E) downstream to mouth at Naches and Little Naches rivers (Sec.4, T17N, R14E). Exclude federal lands. The flow is over 200 cfs MAF at U.S.G.S. gaging station.			
(7) Little Naches River*	<u>Lester</u> 15 Easton* 15 Cliffdell 7 1/2	From confluence of North Fork and Middle Fork Little Naches River (Sec.36, T19N, R12E) downstream to mouth at Naches River (Sec.4, T17N, R14E). Exclude federal lands. The 200 cfs MAF point begins at confluence with Crow Creek (Sec.30, T18N, R14E).			
(8) Naches River*	<u>Cliffdell</u> 7 1/2 Manastash Lake 7 1/2 Nile 7 1/2 Milk Canyon 7 1/2 Tieton 7 1/2 Naches 7 1/2 Selah 7 1/2	From confluence of Little Naches River and Bumping River (Sec.4, T17N, R14E) downstream to mouth at Yakima River (Sec.12, T13N, R18E). Exclude federal lands. The flow is 200 cfs MAF at confluence of Little Naches River and Bumping River.			
(9) Rattlesnake Creek*	<u>Meeks Table</u> 7 1/2 Nile 7 1/2	From Snoqualmie National Forest boundary (Sec.6, T15N, R15E) downstream to mouth at Naches River (Sec.3, same township). The flow at Snoqualmie N.F. boundary is 200 cfs MAF.			

[Order DE 76-14, § 173-18-430, filed 5/3/76; Order 73-14, § 173-18-430, filed 8/27/73; Order DE 72-13, § 173-18-430, filed 6/30/72.]

Chapter 173-20 WAC**SHORELINE MANAGEMENT ACT—LAKES
CONSTITUTING SHORELINES OF THE STATE****WAC**

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173-20-380	Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes.	173-20-790	Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes of statewide significance.
173-20-390	Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes of statewide significance.	173-20-800	Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes.
173-20-400	Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes.	173-20-810	Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes of statewide significance.
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173-20-480	Lakes coming under purview of chapter 90.58 RCW—Mason County lakes.		
173-20-490	Lakes coming under purview of chapter 90.58 RCW—Mason County lakes of statewide significance.		
173-20-500	Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes.		
173-20-510	Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes of statewide significance.		
173-20-520	Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes.		
173-20-530	Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes of statewide significance.		
173-20-540	Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes.		
173-20-550	Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes of statewide significance.		
173-20-560	Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes.		
173-20-570	Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes of statewide significance.		
173-20-580	Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes.		
173-20-590	Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes of statewide significance.		
173-20-600	Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes.		
173-20-610	Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes of statewide significance.		
173-20-620	Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes.		
173-20-630	Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes of statewide significance.		

WAC 173-20-010 Purpose. The department of ecology, pursuant to RCW 90.58.300 is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the lakes which are classified as shorelines of the state.

[Order DE 72-14, § 173-20-010, filed 6/30/72.]

WAC 173-20-020 Applicability. The provisions of this chapter shall apply statewide.

[Order DE 72-14, § 173-20-020, filed 6/30/72.]

WAC 173-20-030 Definitions. As used herein, the following words and phrases shall have the following meanings:

(1) "Lakes" means all the surface water areas of the state, including reservoirs; except

- (a) Lakes less than twenty acres in size;
- (b) Streams or rivers (as described in WAC 173-18-030);
- (c) Shorelines of statewide significance.

(2) "Lakes of statewide significance" means those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high-water mark.

[Order DE 72-14, § 173-20-030, filed 6/30/72.]

WAC 173-20-040 Lakes coming under purview of chapter 90.58 RCW. Volumes I and II of the book *Lakes of Washington* by Ernest E. Wolcott and updated information from the United States Geological Survey were used as reference material for this listing.

This listing includes only those lakes coming under purview of chapter 90.58 RCW.

Use designations are taken directly from Lakes of Washington as follows:

R - Recreation-wildlife, general public use, beautification, fishing, etc.

D - Domestic-private use, farm pond, fire protection, stock, garden, etc.

PS - Public supply, municipal use, civic, industrial use, etc.

P - Power hydroelectric.

I - Irrigation.

Acreage given includes only water surface acres and not contiguous wetlands.

[Order DE 73-13, § 173-20-040, filed 8/27/73; Order DE 72-14, § 173-20-040, filed 6/30/72.]

WAC 173-20-044 Review of designations. The department shall review all the designations made herein at least once in every five year period following the effective date of chapter 90.58 RCW or as frequently before then as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-20 WAC in the manner and form prescribed for adoption and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-044, filed 6/30/80.]

WAC 173-20-046 Conflicts between designations and criteria. In the event that any of the designations set forth in this chapter conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-20-030 the criteria shall control. The designation of the lake shall be governed by the criteria.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-046, filed 6/30/80.]

WAC 173-20-050 Lakes coming under purview of chapter 90.58 RCW—Adams County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T15N-R29E	4-SW1/4	Rodeo Lk.	60.0	R
(2) T15N-R29E	32-B	Linda Lk.	99.2	R
(3) T16N-R28E	3-A/B	Black Lks.-Upper	24.8	R
(4) T16N-R29E	16-N	Thread Lk.	29.4	R
(5) T16N-R29E	29-N	Unnamed Lk.	21.7	R
(6) T16N-R29E	31-G	Owl Lk.	20.6	R
(7) T17N-R38E	9-NE1/4	Twelve Mile Lk.	44.8	R
(8) T17N-R38E	9/16	Twelve Mile Slough	211.2	R
(9) T19N-R36E	36	Finnel Lk.	30.9	R
(10) T19N-R37E	15-SW1/4	Hallin Lk.	33.3	R
(11) T19N-R37E	21-N1/2	Cow Lk.	226.0	R
(12) T19N-R38E	3-W1/2	Green Lk.	79.7	R
(13) T19N-R38E	10-M/Na	Unnamed Lk.	26.1	R
(14) T20N-R37E	1-W1/2	Fourth of July Lk.	74.4 Adams Co. 35.9 Lincoln Co.	R
			110.3 Total	R
(15) T20N-R38E	12	Pines Lk. (Alkali Lk)	120.8	R
(16) T20N-R38E	29	Palm Lk.	88.3	R

[Order DE 76-16, § 173-20-050, filed 5/3/76; Order DE 72-14, § 173-20-050, filed 6/30/72.]

(2007 Ed.)

WAC 173-20-060 Lakes coming under purview of chapter 90.58 RCW—Adams County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T20N-R37E	12	Sprague Lk.	1202.9 Adams Co. 637.7 Lincoln Co.	R
			1840.6 Total	R

[Order DE 72-14, § 173-20-060, filed 6/30/72.]

WAC 173-20-070 Lakes coming under purview of chapter 90.58 RCW—Asotin County lakes. None.

[Order DE 72-14, § 173-20-070, filed 6/30/72.]

WAC 173-20-080 Lakes coming under purview of chapter 90.58 RCW—Asotin County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-080, filed 6/30/72.]

WAC 173-20-090 Lakes coming under purview of chapter 90.58 RCW—Benton County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T6N-R31E	5-SW1/4	Mound Pond	34.8	R
(2) T6N-R31E	7-NE1/4	Yellepit Pond	36.3	R

[Order DE 72-14, § 173-20-090, filed 6/30/72.]

WAC 173-20-100 Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T21N-R20E	21-B/C	Black Lk. (Spring Hill Reservoir)	28.1	R,I
(2) T21N-R20E	29-D	Upper Wheeler Res.	36.2	R,I
(3) T22N-R21E	29-K/Q	Three Lakes Res. (Cortez Lake)	32.9	R,I
(4) T22N-R21E	33-D	Meadow Lk.	35.7	R,I
(5) T23N-R16E	10-W1/2	Colchuck Lk.	87.8	R
(6) T24N-R14E	3-SE1/4	Klonaqua Lks.-Lower	66.0	R,I
(7) T24N-R14E	3-N/P	Klonaqua Lks.-Upper	67.0	R,I
(8) T24N-R16E	33-N	Eight Mile Lk. (Res.)	71.6	R
(9) T26N-R16E	19-A/H	Loch Eileen Lk.	24.8	R
(10) T26N-R16E	29-L	Chiwaukum Lk.	66.6	R
(11) T27N-R17E	22-D	Fish Lk.	513.3	R
(12) T28N-R21E	22-G	Grass Lk. (Dry Lk.)	76.8	R
(13) T28N-R21E	23-K	Wapato Lk.	185.6	R,I
(14) T28N-R21E	26-B	Alkali Lk. (Roses Lk)	179.2	R
(15) T29N-R21E	36-P	Antilon Lk. (Res.)	96.0	R,I
(16) T24N-R16E	9	Victoria Lk.	26.6	R

[Order DE 76-16, § 173-20-100, filed 5/3/76; Order DE 72-14, § 173-20-100, filed 6/30/72.]

WAC 173-20-110 Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T16N-R23E	16/17	Wanapum Dam Res.	440.0 Chelan Co. 1184.0 Douglas Co. 6748.0 Grant Co. 6308.0 Kittitas Co.	
			14680.0 Total	
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0 Chelan Co. 1735.0 Douglas Co.	
			3470.0 Total	R,P
(3) T24N-R20E	35	Entiat Lk.	4930.0 Chelan Co. 4930.0 Douglas Co.	
			9860.0 Total	R,P

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Location	Section	Name	Area (Acres)	Use
(4) T27N-R17E	28-L	Wenatchee Lk.	2445.0	R
(5) T27N-R22E	13-J	Chelan Lk.	33104.0	R,I,
(6) T28N-R24E	6/7	Wells Res.	97.0 Chelan Co.	P
			4850.0 Douglas Co.	
			4753.0 Okanogan Co.	
			<u>9700.0</u> Total	P,R

[Order DE 72-14, § 173-20-110, filed 6/30/72.]

WAC 173-20-120 Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T29N-R14W	20 A/B	Wentworth Lk.	53.8	R
(2) T30N-R7W	15-G	Aldwell Lk.	320.8	P,R
(3) T30N-R8W	22-Q	Sutherland Lk.	360.8	R
(4) T30N-R12W	9-J/K	Beaver Lk.	36.3	R
(5) T30N-R13W	35-E	Pleasant Lk.	486.0	R
(6) T30N-R14W	16-L	Dickey Lk.	527.0	R
(7) T31N-R15W	12-W1/2	Elk Lk.	59.0	R
(8) T31N-R15W	18-E/M	Seafeld Lk.	22.0	R

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-120, filed 4/15/85; Order DE 76-16, § 173-20-120, filed 5/3/76; Order DE 72-14, § 173-20-120, filed 6/30/72.]

WAC 173-20-130 Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
T31N-R15W	31-A	Ozette Lk.	7787.0	R

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-130, filed 4/15/85; Order DE 76-16, § 173-20-130, filed 5/3/76; Order DE 72-14, § 173-20-130, filed 6/30/72.]

WAC 173-20-140 Lakes coming under purview of chapter 90.58 RCW—Clark County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T1N-R3E	2-F/L	Lacamas Lk. (Res.)	315.0	PS,R
(2) T1N-R3E	2-F/L	Round Lk.	32.4	PS,R
(3) T2N-R1E	9-G/H	Unnamed	23.0	R
(4) T4N-R1E	6	Mud Lk.	92.0	R
(5) T4N-R3E	30-E	Battleground Lk.	28.0	R

[Order DE 76-16, § 173-20-140, filed 5/3/76; Order DE 73-13, § 173-20-140, filed 8/27/73; Order DE 72-14, § 173-20-140, filed 6/30/72.]

WAC 173-20-150 Lakes coming under purview of chapter 90.58 RCW—Clark County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T6N-R2E	33-J	Merwin Lk. (Res.)	2400.3 Clark Co.	
			1689.3 Cowlitz Co.	
			<u>4089.6</u> Total	P,R
(2) T6N-R4E	32-NE1/4	Yale Res.	2022.4 Clark Co.	
			1779.2 Cowlitz Co.	
			<u>3801.6</u> Total	P,R

[Order DE 73-13, § 173-20-150, filed 8/27/73; Order DE 72-14, § 173-20-150, filed 6/30/72.]

WAC 173-20-160 Lakes coming under purview of chapter 90.58 RCW—Columbia County lakes. None.

[Order DE 72-14, § 173-20-160, filed 6/30/72.]

WAC 173-20-170 Lakes coming under purview of chapter 90.58 RCW—Columbia County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-170, filed 6/30/72.]

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WAC 173-20-180 Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T5N-R1E	19-M	Horseshoe Lk.	78.9	R
(2) T7N-R4E	16	Merrill Lk.	344.0	R
(3) T8N-R2W	33-SW1/4	Sacajawea Lk.	47.7	R
(4) T10N-R4E	25-E/F	Fawn Lk.	23.6	R

[Order DE 72-14, § 173-20-180, filed 6/30/72.]

WAC 173-20-190 Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T6N-R2E	33-J	Merwin Lk. (Res.)	1689.3 Cowlitz Co.	
			2400.3 Clark Co.	
			<u>4089.6</u> Total	P,R
(2) T6N-R4E	32-NE1/4	Yale Res.	1779.2 Cowlitz Co.	
			2022.4 Clark Co.	
			<u>3801.6</u> Total	P,R
(3) T10N-R1W	36-R	Silver Lk.	2996.0	R

[Order DE 72-14, § 173-20-190, filed 6/30/72.]

WAC 173-20-200 Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T25N-R25E	12-J/K	Jameson Lk.	331.7	R
(2) T25N-R25E	12-K/Q	Jameson Pothole	20.6	R
(3) T25N-R27E	31-N/N	Intermittent	22.8	R
(4) T26N-R26E	20	Grimes Lk.	124.0	R
(5) T26N-R27E	33-B/C	Haynes Lk.	50.4	R
(6) T26N-R27E	34-D	Stallard Lk.	64.0	R
(7) T28N-R24E	35-NE1/4	Cornell Lk.	37.2	R
(8) T29N-R27E	17-J/R	Unnamed Lk.	24.2	R
(9) T29N-R27E	20-A/B	Boot Lk.	36.6	R
(10) T29N-R28E	22-E/F	Elbow Lk.	25.4	R
(11) T29N-R29E	2-G/H	Unnamed Lk.	21.8	R
(12) T29N-R29E	22-H/J	Unnamed Lk.	42.2	R
(13) T29N-R29E	22-N	Wilson Lk.	34.5	R
(14) T29N-R30E	7-SW1/4	Smith Lk.	34.1	R
(15) T30N-R29E	36-A/B	Unnamed Lk.	24.0	R
(16) T30N-R30E	7-J/K	Black Lk.	36.2	R

[Order DE 77-17, § 173-20-200, filed 9/1/77; Order DE 76-16, § 173-20-200, filed 5/3/76; Order DE 72-14, § 173-20-200, filed 6/30/72.]

WAC 173-20-210 Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T16N-R23E	16/17	Wanapum Dam Res.	1184.0 Douglas Co.	
			440.0 Chelan Co.	
			6748.0 Grant Co.	
			6308.0 Kittitas Co.	
			<u>14680.0</u> Total	
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0 Douglas Co.	
			1735.0 Chelan Co.	
			<u>3470.0</u> Total	R,P
(3) T24N-R20E	35	Entiat Lk.	4930.0 Douglas Co.	
			4930.0 Chelan Co.	
			<u>9860.0</u> Total	R,P
(4) T28N-R24E	6 & 7	Wells Reservoir	4850.0 Douglas Co.	
			4753.0 Okanogan Co.	
			97.0 Chelan Co.	
			<u>9700.0</u> Total	P,R
(5) T29N-R25E	24-S1/2	Rufus Wood Lk.	3900.0 Douglas Co.	P,R
(6) T28N-R29E	22&29	Banks Lk.	24,600.0 Grant Co.	
			300.0 Douglas Co.	
			<u>24,900.0</u> Total	

(2007 Ed.)

[Order DE 76-16, § 173-20-210, filed 5/3/76; Order DE 73-13, § 173-20-210, filed 8/27/73; Order DE 72-14, § 173-20-210, filed 6/30/72.]

WAC 173-20-220 Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes.

	Location	Section	Name	Area (Acres)	Use
(1)	T37N-R32E	27-SW1/4	Mud Lk.	23.0	R
(2)	T37N-R33E	32-N1/2	San Poil Lk.	27.7	R,PS
(3)	T38N-R33E	28-D	Curlew Lk.	869.6	R,I

[Order DE 72-14, § 173-20-220, filed 6/30/72.]

WAC 173-20-230 Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-230, filed 6/30/72.]

WAC 173-20-240 Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes.

	Location	Section	Name	Area (Acres)	Use
(1)	T12N-R30E	17-J/R	Clark Pond	49.3	R
(2)	T12N-R30E	20-SE1/4	Unnamed Lk.	26.2	R
(3)	T13N-R29E	5-W1/2	Unnamed Lk.	29.7	R
(4)	T13N-R29E	15-N1/2	Unnamed Lk.	50.0	R
(5)	T13N-R30E	24-L/M	Bailie Pond	22.7	R
(6)	T13N-R30E	34	Mesa Lk.	50.0	R
(7)	T13N-R30E	5-E1/2	Unnamed Lk.	63.0	R
(8)	T13N-R33E	5-N	Sulphur Lk.	22.0	R
(9)	T13N-R34E	4-SE1/4	Kahlotus Lk.	321.0	R
(10)	T14N-R28E	24-NW1/4	Unnamed Lk.	20.0	R
(11)	T14N-R28E	26-NW1/4	Unnamed Lk.	25.0	R
(12)	T14N-R29E	11-N1/2	Unnamed Lk.	71.9	R
(13)	T14N-R29E	11-Q/R	Unnamed Lk.	29.5	R
(14)	T14N-R29E	12	Scootney Lk.	217.0	R
(15)	T14N-R29E	14-E1/2	Unnamed Lk.	50.0	R
(16)	T14N-R29E	23-B	Unnamed Lk.	24.0	R
(17)	T14N-R29E	25-D	Unnamed Lk.	49.6	R
(18)	T14N-R29E	26	Unnamed Lk.	130.0	R
(19)	T14N-R29E	36-S1/2	Unnamed Lk.	20.0	R
(20)	T14N-R30E	14-B	Unnamed Lk.	25.8	R
(21)	T14N-R30E	27-J	Scootney Reservoir	685.0	R,I
(22)	T14N-R30E	27-R	Unnamed Lk.	23.0	R
(23)	T14N-R30E	33-SW1/4	Unnamed Lk.	30.0	R
(24)	T14N-R34E	36-N	Washtucna Lk.	43.4	R

[Order DE 73-13, § 173-20-240, filed 8/27/73; Order DE 72-14, § 173-20-240, filed 6/30/72.]

WAC 173-20-250 Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-250, filed 6/30/72.]

WAC 173-20-260 Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes. None.

[Order DE 73-13, § 173-20-260, filed 8/27/73; Order DE 72-14, § 173-20-260, filed 6/30/72.]

WAC 173-20-270 Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-270, filed 6/30/72.]

(2007 Ed.)

WAC 173-20-280 Lakes coming under purview of chapter 90.58 RCW—Grant County lakes.

	Location	Section	Name	Area (Acres)	Use
(1)	T17N-R26E	8	Frenchman Hills Lk.	800.0	R
(2)	T17N-R26E	5-SW1/4	Sand Lk.	28.4	R
(3)	T18N-R26E	25	Winchester Wasteway Extension	400.0	R
(4)	T17N-R28E	27-NE1/4	Goose Lk.	112.0	R
(5)	T17N-R28E	34-J	Lower Goose Lk.	50.0	R
(6)	T17N-R29E	10-B	Warden Lk.	186.0	R
(7)	T17N-R29E	15-SW1/4	South Warden Lk.	24.0	R
(8)	T17N-R29E	17-P/Q	Susan Lk.	20.0	R
(9)	T17N-R29E	18-P	Soda Lk.	155.0	R,I
(10)	T17N-R29E	22-SW1/4	Virgin Lk.	20.0	R
(11)	T17N-R29E	27-D/E	North Windmill Lk.	22.3	R
(12)	T17N-R29E	28-L/P	Heart Lk.	25.8	R
(13)	T17N-R29E	28-Q	Windmill Lk.	33.8	R
(14)	T17N-R29E	32-B	Long Lk.	74.8	R,I
(15)	T17N-R29E	33-N1/2	Canal Lk.	76.1	R
(16)	T18N-R26E	15-SE1/4	Beda Lk.	34.0	R
(17)	T18N-R25E	30-E1/2	Unnamed Lk.	60.0	R
(18)	T19N-R23E	9	Ancient Lk.	250.0	R
(19)	T19N-R23E	10-R	Stan Coffin Lk.	40.9	R
(20)	T19N-R23E	13	Flat Lk.	98.2	R
(21)	T19N-R23E	15-NE1/4	Quincy Lk.	42.6	R
(22)	T19N-R23E	15-L	Burke Lk.	73.3	R
(23)	T19N-R23E	16	Dusty Lk.	30.0	R
(24)	T19N-R23E	22-C	Evergreen Res.	235.0	R,I
(25)	T19N-R25E	25-SE1/4	Winchester Wasteway Reservoir	660.0	R,I
(26)	T20N-R23E	9-A/H	Crater Lk.	25.0	R
(27)	T20N-R23E	10-L	Babcock Ridge Lk.	20.0	R,I
(28)	T20N-R28E	10-E	Unnamed Lk.	79.4	R
(29)	T18N-R23E	21-NE1/4	Hilltop Lk.	30.8	R
(30)	T21N-R27E	6	Ephrata Lk.	25.0	R
(31)	T21N-R27E	12	South Willow Lk.	39.4	R
(32)	T21N-R27E	12-N1/2	Willow Lk.	23.3	R
(33)	T21N-R27E	16-W1/2	Unnamed Lk.	27.0	R
(34)	T21N-R28E	32-SE1/4	Unnamed Lk.	80.9	R
(35)	T21N-R29E	7-SE1/4	Broken Rock Lakes (1) Northernmost (2) Southernmost	20.0 40.0	R R
(36)	T21N-R30E	20-F	Black Rock Lk.	66.7	R
(37)	T22N-R27E	19	Soap Lk.	840.0	R
(38)	T22N-R28E	2-N	Brook Lk.	427.6	R
(39)	T22N-R28E	8-J	Round Lk.	110.6	R
(40)	T22N-R29E	23-Q/R	Unnamed Lk.	28.7	R
(41)	T23N-R26E	1-NE1/4	Alkali Lk.(Part of Lenore)	308.1	R
(42)	T23N-R26E	35	Little Soap Lk.	99.2	R
(43)	T24N-R27E	15-SW1/4	Park Lk.	341.5	R
(44)	T24N-R27E	29-N	Blue Lk.	536.1	R
(45)	T24N-R28E	6	Dry Falls Lk.	98.9	R
(46)	T24N-R28E	8-M	Deep Lk.	104.3	R
(47)	T25N-R28E	35-E1/2	Table Lk.	20.0	R
(48)	T25N-R28E	33-SW1/4	Lena Lk. (Coulee)	24.8	R
(49)	T27N-R29E	26-SE1/4	Higginbotham Res.	62.0	R,D
(50)	T28N-R30E	25-G/H	Long Lk.	24.8	R
(51)	T16N-R24E	29-SE1/4	Lenice Lk.	80.9	R
(52)	T16N-R24E	29-SW1/4	Merry Lk.	21.8	R
(53)	T16N-R24E	30-S1/2	Nunnally Lk.	37.1	R
(54)	T17N-R28E	16-E1/2	Corral Lk.	80.0	R

[Order DE 73-13, § 173-20-280, filed 8/27/73; Order DE 72-14, § 173-20-280, filed 6/30/72.]

WAC 173-20-290 Lakes coming under purview of chapter 90.58 RCW—Grant County lakes of statewide significance.

	Location	Section	Name	Area (Acres)	Use
(1)	T13N-R23E	2/3	Priest Rapids Dam Reservoir	4540.0 2080.0 1080.0	Grant Co. Kittitas Co. Yakima Co.
				7700.0 Total	P,R

[Title 173 WAC—p. 93]

Location	Section	Name	Area (Acres)	Use
(2) T16N-R23E	16/17	Wanapum Dam Res.	6748.0 Grant Co. 6308.0 Kittitas Co. 1184.0 Douglas Co. 440.0 Chelan Co. <hr/> 14680.0 Total	-
(3) T17N-R28E	11	Potholes Res.	28200.0	R,I
(4) T18N-R28E	5-F	Moses Lk.	6815.2	R,I
(5) T23N-R26E	35-B/G	Lenore Lk.	1670.0	R
(6) T23N-R28E	36-NW1/4	Long Lk. Res.	1010.0	R,I
(7) T25N-R28E	32/33	Banks Lk.	24600.0 <hr/> 300.0 Douglas Co. 24900.0 Total	R

[Order DE 73-13, § 173-20-290, filed 8/27/73; Order DE 72-14, § 173-20-290, filed 6/30/72.]

WAC 173-20-300 Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T17N-R5W	17-S1/2	Unnamed	23.0	R
(2) T17N-R9W	1-SE1/4	Aberdeen Lk.(Res.)	64.0	PS,R
(3) T17N-R10W	13	Unnamed	76.0	PS
(4) T17N-R12W	14	Duck Lk.	197.0	R
(5) T18N-R7W	31-R	Sylvia Lk. (Res.)	31.0	R
(6) T19N-R10W	30-H	Failor Lk. (Res.)	60.0	R
(7) T21N-R10W	22-J/R	Unnamed	20.0	R

[Order DE 72-14, § 173-20-300, filed 6/30/72.]

WAC 173-20-310 Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-310, filed 6/30/72.]

WAC 173-20-320 Lakes coming under purview of chapter 90.58 RCW—Island County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T29N-R2E	24-N1/2	Unnamed Lk.	26.8	R
(2) T29N-R3E	6-D	Goss Lk.	55.1	R
(3) T29N-R3E	7-A	Lone Lk.	92.1	R
(4) T29N-R3E	26	Deer Lk.	82.1	R
(5) T31N-R1E	6-S1/2	Unnamed Lk.	25.0	R
(6) T31N-R1E	22	Crockett Lake	500.0	R
(7) T32N-R3E	30-N	Kristoferson Lk.	25.0	D,R
(8) T33N-R2E	18-N1/2	Unnamed Lk.	50.0	R
(9) T34N-R1E	35-NW1/4	Cranberry Lk.	128.1	R

[Order DE 76-16, § 173-20-320, filed 5/3/76; Order 73-13, § 173-20-320, filed 9/12/73 and Order DE 73-13, filed 8/27/73; Order DE 72-14, § 173-20-320, filed 6/30/72.]

WAC 173-20-330 Lakes coming under purview of chapter 90.58 RCW—Island County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-330, filed 6/30/72.]

WAC 173-20-340 Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T27N-R1W	1-A/H	Wahl Lk.	22.0	R
(2) T28N-R1W	6-K/L	Peterson Lk.	22.7	R
(3) T28N-R1W	18-N1/2	Tarboo Lk.	21.6	R
(4) T28N-R1W	26-K	Sandy Shore Lk.	36.2	R
(5) T28N-R2W	12-NW1/4	Crocker Lk.	65.3	R
(6) T28N-R2W	26-J	Leland Lk.	99.3	R
(7) T28N-R2W	33-A/B	Lords Lk. (Res.)	56.0	PS,R

[Title 173 WAC—p. 94]

Location	Section	Name	Area (Acres)	Use
(8) T29N-R1W	9-E1/2	Anderson Lk.	58.7	R
(9) T29N-R1W	28-L/P	Gibbs Lk.	36.8	R
(10) T30N-R1W	11-D/E	Kah Tai Lagoon	62.0	R
(11) T30N-R1W	16-H/J	Unnamed Lk.	21.6	R

[Order DE 72-14, § 173-20-340, filed 6/30/72.]

WAC 173-20-350 Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-350, filed 6/30/72.]

WAC 173-20-360 Lakes coming under purview of chapter 90.58 RCW—King County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T20N-R6E	2-A	Bass Lk.	24.0	R
(2) T20N-R7E	28-N/P	White River Mill Pond	23.0	PS
(3) T21N-R4E	9-N1/2	Steel Lk.	46.4	R
(4) T21N-R4E	10-NW1/4	Dolloff Lk.	21.1	R
(5) T21N-R4E	15-SW1/4	North Lk.	55.2	R
(6) T21N-R4E	22-K/L	Geneva Lk.	28.8	R
(7) T21N-R4E	27-A	Killarney Lk.	31.3	R
(8) T21N-R4E	27-N/P	Fivemile Lk.	38.4	R
(9) T21N-R5E	23-E1/2	Moneysmith Lk.	22.4	R
(10) T21N-R6E	4-J	Sawyer Lk.	279.0	R
(11) T21N-R6E	7-E1/4	Morton Lk.	66.4	R
(12) T21N-R6E	12-A/H	Twelve Lk.	43.2	R
(13) T21N-R6E	14-Q	Jones Lk.	22.5	R
(14) T21N-R7E	29-K/Q	Deep Lk.	39.0	R
(15) T21N-R8E	13-P/Q	Eagle Lk.	53.2	R
(16) T21N-R8E	27	Howard Hanson Res.	—	PS,R
(17) T21N-R10E	7-W1/2	Findley Lks. (1)	22.3	R
(18) T22N-R4E	3-NW1/4	Angle Lk.	102.3	R
(19) T22N-R4E	34-NW1/4	Star Lk.	34.4	R
(20) T22N-R5E	1-A/B	Shady Lk.	21.1	R
(21) T22N-R5E	5-H/J	Panther Lk.	33.0	R
(22) T22N-R5E	11-R	Youngs Lk. (Res.)	700.0	PS
(23) T22N-R5E	27	Meridian Lk.	149.6	R
(24) T22N-R6E	7-SE1/4	Shadow Lk.	49.6	R
(25) T22N-R6E	22-M/N	Wilderness Lk.	66.6	R
(26) T22N-R6E	28-E	Pipe Lk.	52.1	R
(27) T22N-R6E	29	Lucerne Lk.		R
(28) T22N-R7E	9-W1/2	Walsh Lk.	105.0	PS
(29) T22N-R7E	32	Retreat Lk.	52.7	R
(30) T22N-R8E	11-C	Masonry Pool (Res.)	280.0	PS,P
(31) T22N-R10E	5-A/B	Mason Lk.	32.6	R
(32) T23N-R4E	19-M	Burien Lk.	43.7	R
(33) T23N-R5E	36-NE1/4	Desire Lk.	71.6	R
(34) T23N-R6E	18-K/Q	Kathleen Lk.	38.5	R
(35) T23N-R6E	31-E1/2	Spring Lk.	67.9	R
(36) T23N-R8E	34-SW1/4	Rattlesnake Lk.	112.0	R
(37) T23N-R10E	2-P/Q	Derrick Lk.	36.9	R
(38) T23N-R10E	10-SE1/4	Caroline Lk.	59.6	R
(39) T23N-R10E	11-S1/2	Wildcat Lk.-Upper	53.7	R
(40) T23N-R10E	19-P	Thompson Lk.	42.7	R
(41) T23N-R10E	23-N1/2	Kaleetan Lk.	42.8	R
(42) T23N-R10E	32-H/J	Kulla Kulla Lk.	60.1	R
(43) T23N-R10E	35-C/D	Tusohatchie Lk. Lower	31.8	R
(44) T23N-R11E	19	Snow Lk.	159.5	R
(45) T23N-R12E	11-N1/2	Iceberg Lk.	21.1	R
(46) T24N-R5E	2-SE1/4	Phantom Lk.	63.2	R
(47) T24N-R6E	9-N1/2	Pine Lk.	88.3	R
(48) T24N-R6E	11-B	Beaver Lk. No. 2	61.9	R
(49) T24N-R7E	10-E1/2	Intermittent Lk.	49.0	R

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	Location	Section	Name	Area (Acres)	Use
(50)	T24N-R7E	27-J/R	Alice Lk.	32.6	R
(51)	T24N-R8E	2-D/E	Boyle Lk.	24.0	R
(52)	T24N-R8E	11-M	Klaus Lk.	62.0	R
(53)	T24N-R8E	29-SW1/4	Snoqualmie Mill Pond	66.0	PS,R
(54)	T24N-R9E	8-R	Hancock Lk.	236.2	R
(55)	T24N-R9E	22-SW1/4	S.M.C. Lk.	40.7	R
(56)	T24N-R9E	22-B/G	Moolock Lk.	45.4	R
(57)	T24N-R10E	2-E	Marten Lk.	40.4	R
(58)	T25N-R4E	5-M/N	Green Lk.	255.3	R
(59)	T25N-R4E	17-K	Portage Bay	148.0	R
(60)	T25N-R4E	19-C	Union Lk.	598.0	R
(61)	T25N-R7E	13-B/G	Loop Lk.	35.7	R
(62)	T25N-R7E	19-N1/2	Ames Lk.	79.9	R
(63)	T25N-R7E	22-E1/2	Langlois Lk.	40.0	R
(64)	T25N-R8E	13-P	Black Lk.	25.7	R
(65)	T25N-R8E	35-M	Bridges Lk.	34.0	R
(66)	T25N-R9E	24-E/M	Lock Katrine (Lk.)	51.2	R
(67)	T25N-R9E	25-L/M	Lock Katrine (Lk.) Upper	24.4	R
(68)	T25N-R9E	32-Q	Calligan Lk.	361.0	R
(69)	T25N-R9E	35-N1/2	Phillippa Lk.	121.4	R
(70)	T26N-R6E	7-P	Cottage Lk.	63.1	R
(71)	T26N-R7E	3-M	Margaret Lk. (Res.)	43.8	R
(72)	T26N-R7E	35-NE1/4	Joy Lk.	105.1	R
(73)	T26N-R8E	25-F/G	Lynch Lk.	22.9	R
(74)	T26N-R9E	32-E/M	Tolt Res.	850.0	PS

[Order DE 76-16, § 173-20-360, filed 5/3/76; Order DE 73-13, § 173-20-360, filed 8/27/73; Order DE 72-14, § 173-20-360, filed 6/30/72.]

WAC 173-20-370 Lakes coming under purview of chapter 90.58 RCW—King County lakes of statewide significance.

	Location	Section	Name	Area (Acres)	Use
(1)	T19N-R7E	17-NE1/4	Mud Mtn. Res.	600.0 King Co. 600.0 Pierce Co.	PS,R
			1200.0 Total		
(2)	T22N-R8E	12-NE1/4	Chester Morse Lk. Res.	1682.0	PS,P
(3)	T25N-R4E	16-Q	Washington Lk.	22138.0	R
(4)	T25N-R5E	13-K	Sammamish Lk.	4897.3	R

[Order DE 72-14, § 173-20-370, filed 6/30/72.]

WAC 173-20-380 Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes.

	Location	Section	Name	Area (Acres)	Use
(1)	T22N-R1W	2-E1/2	Wye Lk.	37.9	R
(2)	T22N-R1W	2-E1/2	Carney Lake	18.7 Kitsap Co. 20.5 Pierce Co.	
			39.2 Total		R
(3)	T24N-R1E	8-N	Kitsap Lk.	238.4	R
(4)	T24N-R1W	2-H	Wildcat Lk.	111.6	R
(5)	T24N-R1W	26-M	Union River Res.	93.0	PS
(6)	T24N-R1W	31-L	Panther Lk.	74.1 Kitsap Co. 30.0 Mason Co.	
			104.1 Total		R
(7)	T24N-R1W	32-C	Mission Lk.	87.7	R
(8)	T24N-R1W	35-Q/R	Twin Lks. (Res.)	21.7	PS
(9)	T24N-R1W	35-Q/R	Tiger Lk.		
(10)	T22N-R1E	10-K/L	Horseshoe Lk.	40.3	R
(11)	T23N-R2E	8-E	Long Lk.	314.0	R
(12)	T25N-R1E	3-S1/2	Island Lk.	42.7	R
(13)	T27N-R2E	21-M	Miller Lk.	25.7	R
(14)	T24N-R1W	5	William Symington		
(15)	T24N-R1W	17	Tahuya Lk.		R
(16)	T24N-R2W	23&26	Three Fingers Pond & Holland Ponds	30.8	R
(17)	T28N-R2E	21	Buck Lk.	22.0	R
(18)	T24N-R2W		Morgan Marsh	95.0	R

(2007 Ed.)

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-013 (Order DE 81-17), § 173-20-380, filed 6/11/81; Order DE 76-16, § 173-20-380, filed 5/3/76; Order DE 73-13, § 173-20-380, filed 8/27/73; Order DE 72-14, § 173-20-380, filed 6/30/72.]

WAC 173-20-390 Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-390, filed 6/30/72.]

WAC 173-20-400 Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T17N-R15E	3-A	Manastash Lk.	23.5	R
(2) T20N-R13E	11-F	Easton Lk.	237.6	R,I
(3) T21N-R11E	3-L	Lost Lk.	144.8	R
(4) T21N-R12E	15-NW1/4	Unnamed Lks.	60.0	R
(5) T22N-R13E	2	Cooper Lk.	119.7	R
(6) T23N-R14E	3-NE1/4	Tucquala Lk.	63.0	R

[Order DE 72-14, § 173-20-400, filed 6/30/72.]

WAC 173-20-410 Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes of statewide significance.

Location	Section	Name	Area(Acres)	Use
(1) T15N-R23E	32	Priest Rapids Dam Res.	2080.0 Kittitas Co. 4540.0 Grant Co. 1080.0 Yakima Co. 7700.0 Total	P,R
(2) T16N-R23E	17	Wanapum Dam Res.	6308.0 Kittitas Co. 6748.0 Grant Co. 1184.0 Douglas Co. 440.0 Chelan Co. 14680.0 Total	-
(3) T20N-R14E	10-A	Cle Elum Lk. (Res.)	4810.0	R,I
(4) T21N-R11E	12-H	Keechelus Lk.	2560.0	R,I
(5) T21N-R13E	34-N/P	Kachess Lk.	4540.0	R,I

[Order DE 72-14, § 173-20-410, filed 6/30/72.]

WAC 173-20-420 Lakes coming under purview of chapter 90.58 RCW—Klickitat County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T2N-R13E	25-E/M	Spearfish Lk.	21.8	R
(2) T5N-R15E	13-E/M	Carp Lk.	21.6	R
(3) T6N-R10E	15-E	Trout Lake	110.0	R

[Order DE 73-13, § 173-20-420, filed 8/27/73; Order DE 72-14, § 173-20-420, filed 6/30/72.]

WAC 173-20-430 Lakes coming under purview of chapter 90.58 RCW—Klickitat County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-430, filed 6/30/72.]

WAC 173-20-440 Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T13N-R1E	30-K/Q	Carlisle Lk.	220.3	R
(2) T14N-R5E	9-B	Mineral Lk.	277.3	R

[Order DE 72-14, § 173-20-440, filed 6/30/72.]

WAC 173-20-450 Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T12N-R2E	29-C	Mayfield Res.	2200.0	P,R
(2) T12N-R3E	10-N	Mossyrock Res.	10200.0	P,R
(3) T15N-R4E	9-F	Alder Res.	124.0 Lewis Co. 1689.6 Pierce Co. 1117.6 Thurston Co.	
			2931.2 Total	P,R

[Order DE 76-16, § 173-20-450, filed 5/3/76; Order DE 72-14, § 173-20-450, filed 6/30/72.]

WAC 173-20-460 Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T21N-R33E	3-Q/R	Reisenauer Res.	22.0	R,I,PS
(2) T21N-R33E	12-SE1/4	Sylvan Lk.	550.0	R
(3) T21N-R38E	36-F	Fourth of July Lk.	35.9 Lincoln Co. 74.9 Adams Co.	
			110.3 Total	R
(4) T21N-R39E	10-H/J	Unnamed Lk.	28.9	R
(5) T21N-R39E	12-N	Fishtrap Lk. (Res.)	172.8 Lincoln Co. 22.8 Spokane Co.	
			195.6 Total	R
(6) T21N-R39E	22-L	Intermittent Lk.	93.0	R
(7) T21N-R39E	25-Q	Downs Lk.	28.8 Lincoln Co. 394.6 Spokane Co.	
			423.4 Total	R
(8) T21N-R39E	26-P	Unnamed Lk.	99.0	R
(9) T21N-R39E	34-N1/2	Intermittent Lk.	60.0	R
(10) T22N-R31E	28-B	Peterson Lk.	20.5	R
(11) T22N-R32E	6-NE1/4	Sullivan Lk.	72.4	R
(12) T22N-R32E	6-SW1/4	Wooley Lk.	23.7	R
(13) T22N-R32E	12-SW1/4	Pacific Lk.	129.7	R
(14) T22N-R32E	26-SW1/4	Tule Lk. (Bobs)	126.7	R
(15) T22N-R33E	4-N1/2	Neves Lk.	25.1	R
(16) T22N-R39E	22-SE1/4	Ames Lk.	29.1	R
(17) T22N-R39E	32-N/P	Unnamed Lk.	24.8	R
(18) T23N-R32E	7-W1/2	Unnamed Lk.	42.2	R
(19) T23N-R32E	27-SW1/4	Goetz Lk.	36.2	R
(20) T23N-R33E	13-SE1/4	Coffee Pot Lk.	316.8	R
(21) T23N-R33E	23-E1/2	Deer Springs Lk.	60.3	R
(22) T23N-R33E	34-S1/2	Browns Lk.	42.2	R
(23) T23N-R33E	34-S1/2	Tavares Lk.		
(24) T23N-R34E	3-D	Twin Lks. - Lower	44.9	R
(25) T23N-R34E	25-NE1/4	Unnamed Lk.	25.3	R
(26) T23N-R35E	19-Na	Cormana Lk.	48.3	R
(27) T24N-R32E	12-NW1/4	Drapers Lk.	34.2	R
(28) T24N-R33E	31-N1/2	Unnamed Lk.	48.3	R
(29) T24N-R34E	1-SW1/4	Florence Lk.	33.8	R
(30) T24N-R34E	15-W1/2	Wills Lk.	22.0	R,D
(31) T24N-R34E	16-NW1/4	Phillips Lk.	31.2	R
(32) T24N-R34E	16-S1/2	Unnamed Lk.	40.8	R
(33) T24N-R34E	22-NW1/4	Meadow Lk.	44.4	R,D
(34) T24N-R34E	35-NW1/4	Twin Lks. - Upper	39.2	R
(35) T24N-R35E	3-A/B	Whittaker Lk.	26.1	R
(36) T24N-R35E	4-SW1/4	Unnamed Lk.	20.0	R
(37) T24N-R35E	19	Wall Lk.	32.2	R
(38) T25N-R33E	8-L/M	"H" Lake	26.0	R
(39) T25N-R33E	17-SW1/4	Wagner Lk.	92.7	R
(40) T25N-R33E	34-L	Bergeau Lk.	31.0	R
(41) T25N-R34E	27-SW1/4	Unnamed Lk.	54.3	R
(42) T25N-R34E	32	Swanson Lk.	63.3	R
(43) T25N-R34E	33-NW1/4	Swanson Lk.	38.6	R

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Location	Section	Name	Area (Acres)	Use
(44) T25N-R35E	10-S1/2	Unnamed Lk.	28.8	R
(45) T25N-R39E	9-SE1/4	Unnamed Lk.	42.2	
(46) T25N-R39E	10-S1/2	Unnamed Lk.	67.0	R
(47) T26N-R34E	27-SE1/4	Greenwood Lk.	20.0	D,R
(48) T26N-R38E	33-SE1/4	Unnamed Lk.	24.0	R
(49) T27N-R39E	20-B	Little Falls Res.	125.0 Lincoln Co. 125.0 Stevens Co.	
			250.0 Total	P,R

[Order DE 72-14, § 173-20-460, filed 6/30/72.]

WAC 173-20-470 Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T20N-R37E	12	Sprague Lk.	637.7 Lincoln Co. 1202.9 Adams Co.	
			1840.6 Total	
(2) T27N-R39E	13-M	Long Lk. (Res.)	100.0 Lincoln Co. 2510.0 Spokane Co. 2410.0 Stevens Co.	
			5020.0 Total	P,R

[Order DE 72-14, § 173-20-470, filed 6/30/72.]

WAC 173-20-480 Lakes coming under purview of chapter 90.58 RCW—Mason County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T19-3W	4	Fawn Lk.		
(2) T19-R5W	1-E1/2	Lost Lk.	121.6	R
(3) T19-R5W	8-A/B	Lystair Lk.	30.4	R
(4) T19-R5W	17	Simpson Lk.	29.4	R
(5) T19-R5W	28-W1/2	Stump Lk.	23.2	R
(6) T20N-R2W	5	Phillips Lk.	111.4	R
(7) T20N-R2W	18	Timber Lk.		
(8) T20N-R2W	30-H/J	Forbes Lk.	38.4	R
(9) T20N-R3W	6-SW1/4	Island Lk.	109.0	R
(10) T20N-R3W	31-K	Isabella Lk.	208.0	R
(11) T20N-R4W	12-E1/2	Intermittent Lks.	75.0	R
(12) T20N-R5W	1-E	Hanks Lake	27.0	R
(13) T20N-R5W	8-N1/2	Nahwatzel Lk.	268.8	R
(14) T21N-R2W	3-P	Benson Lk.	81.8	R
(15) T21N-R2W	32-N	Spencer Lk.	220.4	R
(16) T21N-R3W	28-B	Cranberry Lk.	170.6	R
(17) T21N-R3W	27	Lk. Limerick		
(18) T21N-R3W	31-D/E	Intermittent Lk.	20.0	R
(19) T21N-R5W	21-W1/2	Bingham Lk.	24.0	R
(20) T22N-R1W	7-H	Devereaux Lk.	100.4	R
(21) T22N-R1W	19	Unnamed Lk.		
(22) T22N-R2W	23-R	Prickett Lk.	68.1	R
(23) T22N-R2W	34-F	Mason Lk.	996.0	R
(24) T22N-R3W	14-C/D	Maggie Lk.	22.3	R
(25) T22N-R4W	16-F	Cushman Res.		
		No. 2	70.4	P,R
(26) T23N-R1W	5	Tiger Lk.	109.1	R
(27) T23N-R2W	19-S1/2	Wooten Lk.	69.8	R
(29) T23N-R2W	20-NE1/4	Bennettson Lk.	25.4	R
(30) T23N-R2W	30-H	Haven Lk.	70.5	R
(31) T23N-R3W	35-K/Q	Tee Lk.	38.4	R
(32) T23N-R4W	11-P	Lilliwaup Swamp	225.0	R
(33) T23N-R4W	12-G/H	Melbourne Lk.	34.1	R
(34) T23N-R4W	22-NE1/4	Price Lk.	61.8	R
(35) T24N-R1W	31	Panther Lk.	30.0 Mason Co. 74.1 Kitsap Co.	
			104.1 Total	R

[Order DE 72-14, § 173-20-480, filed 6/30/72.]

WAC 173-20-490 Lakes coming under purview of chapter 90.58 RCW—Mason County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T22N-R4W	5-L	Cushman Lk. (Res.)	4003.0	P,R

[Order DE 72-14, § 173-20-490, filed 6/30/72.]

WAC 173-20-500 Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T29N-R23E	10/15	Alta Lk.	187.4	R
(2) T31N-R24E	22-B	Rat Lk.	62.7	R,PS
(3) T33N-R25E	16-G	Leader Lk. (Res.)	159.0	R
(4) T34N-R21E	8-E	Patterson Lk. (Res.)	142.9	R,I
(5) T34N-R21E	15-A/H	Twin Lks. (Little)	23.8	R
(6) T34N-R21E	15-G/K	Twin Lks. (Big)	77.4	R
(7) T34N-R21E	27-NW1/4	Moccasin Lk.	33.1	R
(8) T34N-R22E	20-D/E	Davis Lk.	39.3	R
(9) T34N-R25E	13-E1/2	Green Lk.	44.8	R
(10) T34N-R26E	7-C	Brown Lk.	61.4	R
(11) T34N-R26E	10-R	Duck Lk.	29.1	R,I
(12) T34N-R29E	5-D	Crawfish Lk.	80.4	R
(13) T35N-R21E	36	Pearrygin Lk. (Res.)	192.0	R,I
(14) T35N-R25E	4-K/Q	Roberts Lk.	29.8	R
(15) T35N-R25E	6-K	Salmon Lk.	313.0	R,I
(16) T35N-R25E	18-NW1/4	Conconully Res.	450.0	R,I
(17) T35N-R26E	3-P/Q	Booher Lk.	24.8	R
(18) T35N-R26E	5-S1/2	Medicine Lk.	37.9	R
(19) T35N-R26E	7-Q/R	Peninsula Lk.	23.4	R
(20) T35N-R26E	8-N	Horseshoe Lk.	28.7	R
(21) T35N-R26E	22-NE1/4	Alkali Lk.	46.1	R
(22) T35N-R26E	28-B	Evans Lk.	26.9	R
(23) T36N-R25E	22-D	Fish Lk.	102.3	R
(24) T36N-R27E	30-NW1/4	Unnamed Lk.	22.7	R
(25) T36N-R28E	21-A/B	Talkire Lk.	26.9	R
(26) T36N-R30E	19-E/F	Round Lk.	20.3	R
(27) T36N-R30E	19-G/K	"L" Lk.	21.4	R
(28) T37N-R25E	2-E	Forde Lk.	23.9	R
(29) T37N-R25E	13-H/J	Lemanasky Lk.	20.1	R
(30) T37N-R25E	21-H	Blue Lake (Res.)	186.0	R
(31) T37N-R26E	25-NW1/4	Aeneas Lk.	60.7	R
(32) T38N-R25E	35-E/F	Lower Sinlahekin Impoundment	57.7	R
(33) T38N-R26E	2-Q	Spectacle Lk.	314.8	R,I
(34) T38N-R27E	17-P	Whitestone Lk. (Res.)	169.6	R,I
(35) T38N-R28E	2-A/B	Fanchers Dam Res.	20.0	R,D
(36) T38N-R30E	17-NE1/4	Bonapart Lk.	158.7	R
(37) T38N-R30E	27-F/L	Walker Lk.	43.5	R
(38) T38N-R30E	29-C/F	Meadow Lk.	23.7	R
(39) T39N-R25E	4-R	Chopaka Lk.	148.8	R
(40) T39N-R26E	24-E	Wannacut Lk.	411.6	R
(41) T39N-R27E	6-W1/2	Blue Lk.	110.6	R
(42) T39N-R27E	22-SW1/4	Horseshoe Lk.	59.9	R
(43) T39N-R27E	27-G/K	Unnamed Lk.	26.1	R
(44) T39N-R29E	15-NW1/4	Muskrat Lk.	89.6	R
(45) T40N-R25E	17-J/R	Unnamed Lk.	23.4	R
(46) T40N-R27E	27-P	Zosels Mill Pond	100.0	R
(47) T40N-R29E	6-S1/2	Sidley Lk.	108.8	R
(48) T40N-R29E	8-D	Molson Lk.	20.3	R
(49) T40N-R29E	26-B/G	Fields Lk.	21.7	R
(50) T39N-R30E	28-E/M	Lost Lk.	46.8	R

[Order DE 76-16, § 173-20-500, filed 5/3/76; Order 72-14, § 173-20-500, filed 6/30/72.]

WAC 173-20-510 Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T28N-R24E	6/7	Wells Dam Res.	4753.0	Okanogan Co.
			4850.0	Douglas Co.
			97.0	Chelan Co.
			9700.0	Total
(3) T39N-R25E	13-H	Palmer Lk.	2063.0	P,R
(4) T40N-R27E	22-M	Osoyoos Lk.	2036.0	R,I
			3693.9	Okanogan Co.
			5729.0	British Col.
				Total
				R

[Order DE 76-16, § 173-20-510, filed 5/3/76; Order DE 72-14, § 173-20-510, filed 6/30/72.]

WAC 173-20-520 Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T10N-R11W	4-SW1/4	Breaker Lk.	20.3	R
(2) T10N-R11W	33-A	Black Lk.	30.0	PS
(3) T11N-R11W	9-K	Loomis Lk.	150.7	R
(4) T11N-R11W	21-E1/2	Island Lk.	55.8	R
(5) T12N-R11W	9-K/Q	Skating Lk.	66.0	R
(6) T12N-R11W	16-J/R	Espy Lk.	20.0	R

[Order DE 72-14, § 173-20-520, filed 6/30/72.]

WAC 173-20-530 Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-530, filed 6/30/72.]

WAC 173-20-540 Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T30N-R43E	5-K/L	Lost Lk.	22.1	R
(2) T30N-R43E	8-N	Horseshoe Lk.	128.0	R
(3) T30N-R43E	9-A	Trout Lk.	94.8	R
(4) T30N-R43E	32-L	Fan Lk.	72.9	R
(5) T30N-R44E	3-SE1/4	Diamond Lk.	754.5	R
(6) T30N-R44E	35-N1/2	Chain Lk.	77.6	R
(7) T30N-R46E	30-M/N	Trask Pond	50.3	R
(8) T31N-R43E	35-B	Sacheen Lk.	282.2	R
(9) T31N-R44E	10-SE1/4	Kent Meadows Lk.	134.3	R
(10) T31N-R45E	23-S1/2	Unnamed Lk.	37.9	R
(11) T32N-R43E	27-P	Power Lk.	54.8	R,P
(12) T32N-R44E	31-G	Davis Lk.	145.9	R
(13) T32N-R45E	23-Q	Marshall Lk.	188.7	R,D
(14) T32N-R46E	31	Shearer Lk.	48.7	R
(15) T33N-R43E	12-13/14	Unnamed Slough	64.8	R
(16) T34N-R44E	36-NE1/4	North Skookum Lk.	38.5	R
(17) T33N-R44E	2-A	Kings Lk.	53.2	R
(18) T34N-R43E	3-C/F	Parker Lk.	22.1	R
(19) T36N-R42E	3-L/M	Leo Lk.	39.3	R
(20) T36N-R43E	12-NW1/4	Scotchman Lk.	34.1	R
(21) T36N-R43E	23-NE1/4	Yocum Lk.	41.7	R
(22) T37N-R42E	35-N	Nile Lk.	22.8	R
(23) T37N-R42E	36-K/Q	Browns Lk.	20.2	R
(24) T37N-R43E	6-E1/2	Ione Mill Pond	37.2	R,PS

	Location	Section	Name	Area (Acres)	Use
(25)	T39N-R43E	25-A	Sullivan Res.	62.8	R,PS
(26)	T40N-R43E	34-Q	Ledbetter Lk.	22.7	R
(27)	T32N-R45E	4	Bead Lk.	719.8	R

[Order DE 76-16, § 173-20-540, filed 5/3/76; Order DE 72-14, § 173-20-540, filed 6/30/72.]

WAC 173-20-550 Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes of statewide significance.

	Location	Section	Name	Area (Acres)	Use
(1)	T32N-R43E	12-F	Calispell Lk.	1031.0	R
(2)	T39N-R44E	31	Sullivan Lk.	1400.0	R,P
(3)	T40N-R43E	10-NE1/4	Boundary Res.	1600.0	R,P

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-550, filed 4/15/85; Order DE 76-16, § 173-20-550, filed 5/3/76; Order DE 72-14, § 173-20-550, filed 6/30/72.]

WAC 173-20-560 Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes.

	Location	Section	Name	Area (Acres)	Use
(1)	T20N-R1W	1-M	Bay Lk.	129.6	R
(2)	T22N-R1W	14-A	Carney Lk.	20.5	Pierce Co.
				18.7	Kitsap Co.
				39.2	Total
(3)	T16N-R3E	1-J/K	Cranberry Lk.	25.6	R
(4)	T16N-R3E	7-A/B	Harts Lk.	108.8	R
(5)	T16N-R3E	9-P/Q	Tule Lk.	30.8	R
(6)	T16N-R3E	12-E1/2	Silver Lk.	138.0	R
(7)	T16N-R3E	14-SW1/4	Kreger Lk.	42.4	R
(8)	T16N-R4E	6-A	Rapjohn Lk.	55.8	R
(9)	T16N-R4E	10-J	Ohop Lk.	235.6	R
(10)	T16N-R4E	33-Q	La Grande Res.	55.0	P
(11)	T17N-R4E	14-A/H	Whitman Lk.	29.6	R
(12)	T17N-R4E	23-E	Tanwax Lk.	172.8	R
(13)	T17N-R4E	26-W1/2	Clear Lk.	155.1	R
(14)	T17N-R4E	27-K/L	Twenty Seven Lk.	21.0	R
(15)	T17N-R4E	33-C	Mud Lk.	20.6	R
(16)	T17N-R5E	5-SW1/4	Kapowsin Lk.	512.0	R
(17)	T18N-R2E	34-B/C	Muck Lk.	25.7	R
(18)	T18N-R5E	30-M/N	Morgan Lk.	23.0	R
(19)	T19N-R1E	4-N1/2	Florence Lk.	66.5	R
(20)	T19N-R1E	9-NE1/4	Josephine Lk.	72.5	R
(21)	T19N-R2E	4-E/M	Louise Lk.	39.1	R
(22)	T19N-R2E	10-E1/2	Gravelly Lk.	147.8	R
(23)	T19N-R3E	20-SE1/4	Spanaway Lk.	262.4	R
(24)	T19N-R6E	4-E1/2	Wickersham Basin	60.0	P,R
(25)	T20N-R2E	24-B/G	Unnamed Lk.	29.0	R
(26)	T20N-R2E	33	Waughop Lk.		
(27)	T20N-R2E	33-P/Q	Mud Lake	21.7	R
(28)	T20N-R2E	34-G	Steilacoom Lk.	313.2	R
(29)	T20N-R3E	29-C/F	Wapato Lk.	28.2	R
(30)	T20N-R4E	4-K/Q	Surprise Lk.	29.9	R
(31)	T20N-R5E	26-N1/2	Printz Basin	30.0	P,R
(32)	T22N-R2E	20-A	Crescent Lk.	46.8	R
(33)	T22N-R1E	19	Stansberry Lk.		
(34)	T22N-R1E	30-31	Manmade Lk.		
(35)	T19N-R7E	17-NE1/4	Mud Mt. Res.	600.00	R

[Order DE 72-14, § 173-20-560, filed 6/30/72.]

WAC 173-20-570 Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes of statewide significance.

	Location	Section	Name	Area (Acres)	Use
(1)	T15N-R4E	9-F	Alder Lk. (Res.)	1689.6	Pierce Co.
				1117.6	Thurston Co.

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	Location	Section	Name	Area (Acres)	Use
				124.0	Lewis Co.
				2931.2	Total
(2)	T19N-R2E	20	American Lk.	1125.1	P,R
(3)	T20N-R5E	8-E	Tapps Lk. (Res.)	2296.0	R

[Order DE 72-14, § 173-20-570, filed 6/30/72.]

WAC 173-20-580 Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes.

	Location	Section	Name	Area (Acres)	Use
(1)	T35N-R1W	4-G	Spencer Lk.	64.0	R
(2)	T35N-R2W	23-A	Hummel Lk.	36.1	R
(3)	T35N-R3W	17-Q/R	Zylstra Lk.		
(4)	T35N-R3W	18-M	Trout Lk. (Res.)	54.0	PS
(5)	T35N-R3W	19-G	Woods Res. (Proposed)	29.0	D,R
(6)	T36N-R1W	33-N1/2	Horseshoe Lk.	84.0	R
(7)	T36N-R2W	12-L	Martins Lk.	21.5	R
(8)	T36N-R3W	30-E/M	Briggs Pond	29.1	PS
(9)	T36N-R3W	33-Q	Sportsmans Lk.	66.0	R,D
(10)	T37N-R1W	32-P	Cascade Lk.	171.6	R,P
(11)	T37N-R1W	34-M	Mountain Lk.	198.0	PS,R

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-580, filed 6/30/80; Order DE 72-14, § 173-20-580, filed 6/30/72.]

WAC 173-20-590 Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-590, filed 6/30/72.]

WAC 173-20-600 Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes.

	Location	Section	Name	Area (Acres)	Use
(1)	T33N-R4E	13-M/N	Devils Lk.	30.9	R
(2)	T33N-R4E	15-M/N	Sixteen Lk.	41.6	R
(3)	T33N-R5E	30-D	McMurray Lk.	160.6	R
(4)	T33N-R6E	22-Q	Cavanaugh Lk.	844.0	R
(5)	T34N-R1E	11-NE1/4	Erie Lk.	111.0	R
(6)	T34N-R1E	13-H	Campbell Lk.	410.3	R
(7)	T34N-R1E	23-K	Pass Lk.	98.6	R
(8)	T34N-R2E	6-SW1/4	Whistle Lk.	29.7	PS
(9)	T34N-R3E	36-J	Britt Slough	21.0	R
(10)	T34N-R4E	1-E1/2	Clear Lk.	222.9	R
(11)	T34N-R4E	2-N1/2	Unnamed Lk.	74.0	R
(12)	T34N-R4E	10-SW1/4	Barney Lk.	152.0	R
(13)	T34N-R4E	15-E1/2	Unnamed Lk.	28.0	R
(14)	T34N-R4E	36-C	Big Lk.	545.2	R
(15)	T34N-R5E	7-W1/2	Beaver Lk.	73.4	R
(16)	T34N-R6E	25-F	Day Lk.	136.5	R
(17)	T35N-R1E	23-K/Q	Cranberry Lk.	26.8	R
(18)	T35N-R1E	36-SW1/4	Heart Lk.	60.8	R
(19)	T35N-R5E	13-N1/2	Minkler Lk.	36.7	R
(20)	T35N-R5E	32-E1/2	Judy Res.	108.0	PS
(21)	T35N-R10E	31-A	Barnaby Slough	20.0	R
(22)	T35N-R10E	32-L/M	Mill Slough	20.0	R
(23)	T35N-R11E	36-SE1/4	Granite Lk. No. 3	38.4	R
(24)	T36N-R8E	32	Grandy Lk.	56.0	R
(25)	T34N-R2E	12-M	Old Channel Lk.	23.2	

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-600, filed 6/30/80; Order DE 72-14, § 173-20-600, filed 6/30/72.]

WAC 173-20-610 Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes of statewide significance.

	Location	Section	Name	Area (Acres)	Use
(1)	T35N-R8E	2-M	Shannon Lk. (Res.)	2148.0	P,R

(2007 Ed.)

[Order DE 72-14, § 173-20-610, filed 6/30/72.]

WAC 173-20-620 Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T1N-R6E	4-N1/2	Franz Lk.	99.0	R
(2) T2N-R6E	34-H/J	Unnamed Lk.	20.0	R
(3) T2N-R7E	1-NW1/4	Stevenson Lk.	84.0	PS,R
(4) T2N-R7E	11-E/F	Ashes Lk.	51.2	PS,R
(5) T2N-R7E	14-D/E	Wauna Lk.	55.2	R
(6) T2N-R7E	20-M	Greenleaf Slough (Lk)	47.8	R
(7) T2N-R7E	30-NW1/4	Unnamed Lk.	20.0	R
(8) T3N-R9E	26-S1/2	Drano Lk.	220.0	R
(9) T3N-R10E	10-B/C	Northwestern Lk.	97.0	R,P
(10) T10N-R5E	14-N	Venus Lk.	21.0	R
(11) T10N-R5E	19-E/F	Elk Lk.	30.5	R
(12) T10N-R5E	19-M/P	Hanaford Lk.	23.6	R

[Order DE 73-13, § 173-20-620, filed 8/27/73; Order DE 72-14, § 173-20-620, filed 6/30/72.]

WAC 173-20-630 Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T2N-R7E	21-E1/2	Bonneville Pool (Res.)	10100.0 Skamania Co. 10100.0 Oregon	P,R
(2) T7N-R5E	28-F/L	Swift Res.	4588.8	P,R
(3) T9N-R5E	15-A	Spirit Lk.	1262.0	R

[Order DE 73-13, § 173-20-630, filed 8/27/73; Order DE 72-14, § 173-20-630, filed 6/30/72.]

WAC 173-20-640 Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T27N-R4E	1-SW1/4	Martha Lk.	59.3	R
(2) T27N-R4E	32-SW1/4	Ballinger Lk.	103.2	R
(3) T27N-R5E	36-SE1/4	Crystal Lk. (Res.)	39.1	R
(4) T27N-R7E	22-A/B	Fontal Lk.	37.2	R
(5) T27N-R7E	23-SW1/4	Hannan Lk.	48.4	R
(6) T27N-R8E	21-B/C	Tomtit Lk.	27.9	R
(7) T27N-R8E	21-E/M	Dagger Lk.	27.7	R
(8) T27N-R11E	21-NE1/4	Sunset Lk.	38.4	R
(9) T28N-R4E	34-S1/2	Serene Lk.	42.3	R
(10) T28N-R4E	35-A/B	Stickney Lk.	25.7	R
(11) T28N-R5E	24-E1/4	Hanson Slough	35.0	R
(12) T28N-R5E	30-H	Silver Lk.	102.3	R
(13) T28N-R5E	32&34	Thomas Lk.	100	PS
(14) T28N-R6E	1-SE1/4	Storm Lk.	78.1	R
(15) T28N-R6E	2-A	Flowing Lk.	134.8	R
(16) T28N-R6E	2-C/D	Panther Lk.	46.7	R
(17) T28N-R6E	7-NW1/4	Blackmans Lk.	60.1	R
(18) T28N-R6E	24-A	Chain Lk.	22.8	R
(19) T28N-R7E	12-J	Woods Lk.	20.5	R
(20) T28N-R7E	16-A	Cochran Lk.	33.6	R
(21) T28N-R8E	6-G	Chaplain Lk. (Res.)	443.7	PS
(22) T28N-R8E	22-G/H	Kellogg Lk.	20.2	R
(23) T28N-R9E	20-NE1/4	Wallace Lk.	55.3	R
(24) T28N-R10E	5-G/H	Boulder Lk.	21.7	R
(25) T28N-R11E	1-W1/2	Blanca Lk.	179.0	R
(26) T29N-R7E	15-NE1/4	Purdy Creek Ponds	20.0	R
(27) T29N-R7E	27-N/P	Hughes Lk.	20.2	R
(28) T29N-R7E	28-E	Roesiger Lk.	352.2	R
(29) T29N-R8E	21-D	Echo Lk.	24.6	R
(30) T29N-R9E	9-M/N	East Boardman Lk.	24.7	R
(31) T29N-R9E	36-J/R	Greider Lks. Upper	58.4	R
(32) T29N-R10E	4	Copper Lk.	60.8	R
(33) T30N-R6E	31-C/D	Cassidy Lk.	124.6	R
(34) T30N-R6E	36-E1/2	Bosworth Lk.	95.4	R

(2007 Ed.)

Location	Section	Name	Area (Acres)	Use
(35) T31N-R4E	18-SE1/4	Martha Lk.	58.4	R
(36) T31N-R4E	20-L/P	Howard Lk.	27.1	R
(37) T31N-R4E	23-L	Ki Lk.	97.4	R
(38) T31N-R4E	33-G	Goodwin Lk.	546.8	R
(39) T31N-R4E	33-P	Shoecraft Lk.	136.8	R
(40) T31N-R4E	34-H	Crabapple Lk.	36.3	R
(41) T31N-R4E	35-A/H	Loma Lk.	21.1	R
(42) T32N-R4E	26-K/L	Sunday Lk.	38.7	R
(43) T32N-R5E	26-SE1/4	Armstrong Lk.	30.7	R
(44) T32N-R5E	27-F/G	Bryant Lk.	20.2	R
(45) T32N-R6E	26-C	Little Lk.	23.4	R
(46) T32N-R7E	19-H/J	Riley Lk.	30.0	R
(47) T32N-R10E	28	Evangeline Lk.	25.0	

[Statutory Authority: RCW 90.58.200. 98-09-098 (Order 97-40), § 173-20-640, filed 4/22/98, effective 5/23/98; Order DE 76-16, § 173-20-640, filed 5/3/76; Order DE 72-14, § 173-20-640, filed 6/30/72.]

WAC 173-20-650 Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T29N-R6E	8-L	Stevens Lk.	1021.1	R

[Order DE 72-14, § 173-20-650, filed 6/30/72.]

WAC 173-20-660 Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T21N-R39E	12-N	Fishtrap Lk. (Res.)	22.8 172.8	Spokane Lincoln
			195.6	Total
(2) T21N-R39E	25-Q	Downs Lk.	394.6 28.8	Spokane Co. Lincoln Co.
			423.4	Total
(3) T21N-R40E	7-B/C	Unnamed Lk.	21.0	R
(4) T21N-R40E	13-C	Williams Lk.	318.6	R
(5) T21N-R40E	32-NE1/4	Feustal Lk.	36.6	R
(6) T21N-R41E	4-M	Badger Lk.	243.8	R
(7) T21N-R42E	20F	Bonnie Lk.	284.3 81.8	Spokane Co. Whitman Co.
			366.1	Total
(8) T22N-R40E	25-N1/2	Alkali Lk.	96.0	R
(9) T22N-R40E	30-B	Hog Lk.	53.0	R
(10) T22N-R40E	33-S1/2	Mason Lk.	52.1	R
(11) T22N-R40E	36-J	Amber Lk.	116.8	R
(12) T22N-R41E	27-J	Unnamed Lk.	26.0	R
(13) T22N-R41E	36-H	Chapman Lk.	145.6	R
(14) T22N-R42E	11-K	Philleo Lk.	70.8	R
(15) T23N-R42E	5-A/H	Fish Lk.	47.1	R
(16) T23N-R42E	14-NW1/4	Unnamed Lk.	20.0	R
(17) T24N-R40E	13-W1/4	West Medical Lk.	234.8	R
(18) T24N-R40E	21-J/R	Unnamed Lk.	38.0	R
(19) T24N-R40E	27-NW1/4	Lonelyville Lk.	22.8	R
(20) T24N-R41E	17-G/H	Silver Lk.	559.1	R
(21) T24N-R41E	18-W1/2	Medical Lk.	148.9	R
(22) T24N-R41E	19-K/Q	Otter Lk.	26.1	R
(23) T24N-R41E	19-H	Ring Lake	22.9	R
(24) T24N-R41E	22-N/P	Granite Lk.	105.8	R
(25) T24N-R41E	22-P	Willow Lk.	79.7	R
(26) T24N-R41E	26-B	Meadow Lk.	31.9	R
(27) T24N-R41E	30-SW1/4	Clear Lk.	374.8	R,I
(28) T24N-R42E	28-B	Queen Lucas Lk.	36.8	R
(29) T25N-R43E	18-J	Upper Falls Res.	146.0	P,R
(30) T25N-R44E	24-F/G	Shelley Lk.	35.6	R
(31) T25N-R45E	22-H	Liberty Lk.	711.4	R
(32) T26N-R40E	10-SW1/4	Horseshoe Lk.	67.9	R
(33) T26N-R40E	10-G/K	Woods Lk.	32.0	R
(34) T26N-R42E	6-R	Nine Mile Res.	440.0	P,R
(35) T27N-R41E	7-K/L	Knight Lk.	34.0	R

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Location	Section	Name	Area (Acres)	Use
(36) T28N-R43E	15-G/K	Bear Lk.	33.8	R
(37) T29N-R42E	34-K/Q	Dragoon Lk.	22.4	R,I
(38) T29N-R43E	15-L	Eloika Lk.	659.2	R
(39) T29N-R44E	19-J	Reflection Lk.	51.8	R

[Order DE 76-16, § 173-20-660, filed 5/3/76; Order DE 72-14, § 173-20-660, filed 6/30/72.]

WAC 173-20-670 Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T26N-R45E	11-G	Newman Lk.	1190.2	R
(2) T27N-R39E	13-M	Long Lk. (Res.)	2510.0 Spokane Co. 100.0 Lincoln Co. 2410.0 Stevens Co. 5020.0 Total	P,R

[Order DE 72-14, § 173-20-670, filed 6/30/72.]

WAC 173-20-680 Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T27N-R39E	20-B	Little Falls Res.	125.0	P,R
(2) T30N-R37E	4-Q/R	Hunter Res.	20.0	D,I,R
(3) T30N-R37E	32-F/L	Newbill Lk.	21.7	R,D
(4) T31N-R40E	17-R	Waitts Lk. (Res.)	455.4	R,P,I
(5) T31N-R40E	36-R	Jumpoff Lk.	105.1	R
(6) T31N-R41E	21-R	Beitey Res.	24.2	D,R
(7) T31N-R41E	24-A/H	Nelson Lk.	20.4	R
(8) T32N-R37E	34-P/Q	Clark Lk.	23.8	R
(9) T32N-R39E	36-NW1/4	Rainbow Lk. (Fourmile Lk.)	27.8	R
(10) T32N-R41E	15-L	Horseshoe Lk.	23.5	R
(11) T32N-R41E	29	Bailey Lk.		
(12) T34N-R41E	20-K/Q	Pond No. 1	24.0	R
(13) T35N-R40E	19-F/L	White Mud Lk.	59.4	R
(14) T35N-R40E	30-SE1/4	Hatch Lk.	34.3	R
(15) T35N-R40E	36-K	Starvation Lk.	28.4	R
(16) T35N-R41E	3-W1/2	Black Lk.	69.6	R
(17) T35N-R41E	4-B	Spruce Lk. (Twin Lks.)	26.8	R
(18) T36N-R38E	15-D/E	Mission Lk.	21.9	R
(19) T36N-R42E	8-Q	Heritage Lk.	71.1	R
(20) T36N-R42E	17-W1/2	Thomas Lk.	162.6	R
(21) T36N-R42E	19-A	Gillette Lk.	48.0	R
(22) T36N-R42E	19-H/J	Sherry Lk.	26.1	R
(23) T37N-R39E	16-F	Peterson Swamp	37.8	R
(24) T38N-R37E	13-J/K	Dilly Lk.	35.4	R
(25) T38N-R37E	13-L/M	Perkins Lk.	25.6	R
(26) T38N-R37E	24-D	Ryan Lk.	25.4	R
(27) T38N-R38E	36-C/F	Williams Lk.	37.7	R
(28) T39N-R37E	8-G	Pierre Lk.	105.6	R
(29) T39N-R41E	34-C	Deep Lk.	198.1	R
(30) T40N-R41E	26-L	Cedar Lk.	51.2	R

[Order DE 77-17, § 173-20-680, filed 9/1/77; Order DE 72-14, § 173-20-680, filed 6/30/72.]

WAC 173-20-690 Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T27N-R39E	13-M	Long Lk. (Res.)	2410.0 Stevens Co. 2510.0 Spokane Co. 100.0 Lincoln Co. 5020.0 Total	P,R
(2) T30N-R41E	NE1/4	Deer Lk.	1162.8	R
(3) T30N-R41E	33-L	Loon Lk.	1118.5	R,I

[Order DE 72-14, § 173-20-690, filed 6/30/72.]

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WAC 173-20-700 Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T16N-R1W	13-E	McIntosh Lk.	115.8	R
(2) T16N-R2W	3-NE1/4	Deep Lk.	66.1	R
(3) T17N-R1W	28-K	Bushman Lk. (Tempo)	40.0	R
(4) T17N-R1W	33-E	Offutt Lk.	192.0	R
(5) T17N-R2W	1-L/P	Munn Lk.	29.8	R
(6) T17N-R2W	33-A/H	Scott Lake	66.8	R
(7) T17N-R2W	35-H/J	Pitman Lk.	27.0	R
(8) T18N-R1W	22-H	Long Lk.	311.0	R
(9) T18N-R1W	27-L	Hicks Lk.	171.3	R
(10) T18N-R1W	29-B/G	Chambers Lk. (Little Chambers Lk.)	49.1	R
(11) T18N-R1W	29-C	Chambers Lk. (Russel Lk.)	72.5	R
(12) T18N-R1W	33-H/J	Southwick Lk.	37.1	R
(13) T18N-R1W	35-P	Patterson Lk.	257.0	R
(14) T18N-R2W	15-J	Capitol Lk.	306.0	R
(15) T18N-R2W	16-W1/2	Grass Lk.	120.0	R
(16) T18N-R2W	20-H/J	Ken Lk.	24.6	R
(17) T18N-R2W	22-G	Percival Lk.	22.4	R
(18) T18N-R2W	32-C	Black Lk.	576.1	R
(19) T18N-R2W	36-B/C	Ward Lake	66.8	R
(20) T18N-R2W	36-J	Hewitt Lk.	26.6	R
(21) T18N-R4W	13-A	Summit Lk.	522.6	R
(22) T16N-R2E	29-B	Lawrence Lk.	339.2	R
(23) T16N-R3E	31-S1/2	Clear Lk.	172.8	R
(24) T16N-R3E	32-B/C	Elbow Lk.	36.0	R
(25) T16N-R3E	32-R	Bald Hill Lk.	44.8	R
(26) T18N-R1E	31-32	St. Clair Lk.	244.7	R
(27) T17N-R1W	11	Sunwood Lk.	23.0	D
(28) T15N-R1E	17	Skookumchuck Res.	550.0	D

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-700, filed 4/15/85; Order DE 73-13, § 173-20-700, filed 8/27/73; Order DE 72-14, § 173-20-700, filed 6/30/72.]

WAC 173-20-710 Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T15N-R4E	24	Alder Lk. (Res.)	1117.6	P,R

[Order DE 72-14, § 173-20-710, filed 6/30/72.]

WAC 173-20-720 Lakes coming under purview of chapter 90.58 RCW—Wahkiakum County lakes. None.

[Order DE 72-14, § 173-20-720, filed 6/30/72.]

WAC 173-20-730 Lakes coming under purview of chapter 90.58 RCW—Wahkiakum County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-730, filed 6/30/72.]

WAC 173-20-740 Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T7N-R32E	30-SW1/4	Johnson Pond	24.0	R
(2) T7N-R36E	23-SE1/4 24-W1/2 25-NW1/4	Mill Creek Res.	52.0	PS,R
(3) T8N-R31E	20-NW1/4	"J" Line Pond	30.0	R
(4) T8N-R31E	21-NW1/4	Casey Pond	60.0	R
(5) T8N-R31E	29-H/J	Curlew Pond	35.0	R

[Order DE 72-14, § 173-20-740, filed 6/30/72.]

WAC 173-20-750 Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes of statewide significance. None.

[Order DE 72-14, § 173-20-750, filed 6/30/72.]

WAC 173-20-760 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T37N-R3E	8-N	Padden Lk. (Res.)	152.0	PS,R
(2) T37N-R3E	36-R	Samish Lk.	814.0	R
(3) T37N-R4E	8-F/L	Louise Lk.	22.4	R
(4) T37N-R4E	32-SW1/4	Cain Lk.	72.2	R
(5) T38N-R3E	11-N/P	Toad Lk.	29.7	R
(6) T38N-R4E	7-E/F	Squalicum Lk.	33.0	R
(7) T39N-R1E	16	Terrell Lk. (Res.)	438.0	R
(8) T39N-R2E	21-S1/2	Barrett Lk.	40.0	R
(9) T39N-R2E	32-A/B	Tennant Lk.	43.0	R
(10) T39N-R3E	6-NW1/4	Wiser Lk.	123.0	R
(11) T39N-R3E	13-L/P	Fazon Lk.	32.0	R
(12) T39N-R6E	30-R	Canyon Lk.	45.0	R
(13) T40N-R6E	7-R	Silver Lk.	172.8	R
(14) T41N-R4E	31-W1/2	Judson Lk.	112.0	R
(15) T41N-R1E	34-N1/2	Beaver Lk.	21.0	R

[Order DE 76-16, § 173-20-760, filed 5/3/76; Order DE 72-14, § 173-20-760, filed 6/30/72.]

WAC 173-20-770 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T38N-R3E	28-A	Whatcom Lk. (Res.)	5003.0	PS,R
(2) T37N-R9E	31	Baker Lk. (Res.)	3616.0	PS,R

[Order DE 76-16, § 173-20-770, filed 5/3/76; Order DE 72-14, § 173-20-770, filed 6/30/72.]

WAC 173-20-780 Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T18N-R39E	26-A/B	Texas Lk.	23.8	R
(2) T18N-R40E	17-A/B	Intermittant Lk.	24.8	R
(3) T19N-R40E	1-SE1/4	Miller Lk. (Alkali)	25.2	R
(4) T19N-R40E	13-SE1/4	Lavista Lk.	20.7	R
(5) T19N-R40E	23-NW1/4	Unnamed Lk.	32.4	R
(6) T19N-R40E	34-H/J	Stevens Lk.	27.0	R
(7) T20N-R39E	6-E1/2	Snyder Slough	42.0	R
(8) T20N-R39E	8-SE1/4	Sheep Lk.	56.7	R
(9) T20N-R39E	15-S1/2	Folsom Lk.	85.5	R
(10) T20N-R39E	16-NE1/4	Crooked Knee Lk.	83.8	R
(11) T20N-R39E	16-F/L	Unnamed Lk.	20.7	R
(12) T20N-R40E	36-SE1/4	Tule Lk.	21.6	R
(13) T20N-R41E	12-NE1/4	Bonnie Lk.	81.8	Whitman Co.
			284.3	Spokane Co.
			366.1	Total R
(14) T18N-R40E	3-B/C	Duck Lk.	23.4	R

[Order DE 76-16, § 173-20-780, filed 5/3/76; Order DE 72-14, § 173-20-780, filed 6/30/72.]

WAC 173-20-790 Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes of statewide significance.

Location	Section	Name	Area (Acres)	Use
(1) T19N-R40E	13-N	Rock Lk.	2147.1	R

[Order DE 72-14, § 173-20-790, filed 6/30/72.]

(2007 Ed.)

WAC 173-20-800 Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T8N-R23E	12-E	Byron Ponds (Res.)	50.0	R
(2) T9N-R22E	22-M	Horseshoe Pond	59.0	R
(3) T9N-R22E	25-F	Morgan Pond	24.6	R
(4) T9N-R22E	26-B	Giffin Lk.	104.8	R
(5) T9N-R23E	7-S1/2	Oleys Lk.	35.4	R
(6) T13N-R19E	7-M	Freeway Lk.	23.2	R
(7) T14N-R19E	31-L/P	Unnamed Lk.	22.3	R
(8) T15N-R17E	2-N	Wenas Lk. (Res.)	61.4	R,I
(9) T13N-R18E	11-S1/2,			
	S1/2	Unnamed Lake	21.4	R
(10) T13N-R18E	11 S1/2			
	SE1/4	Unnamed Lake	21.3	R

[Order DE 76-16, § 173-20-800, filed 5/3/76; Order DE 72-14, § 173-20-800, filed 6/30/72.]

WAC 173-20-810 Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes of statewide significance.

Location	Section	Name	Area (Areas)	Use
(1) T13N-R23E	2/3	Priest Rapids	1080.0	Yakima Co.
		Dam (Res.)	4540.0	Grant Co.
			2080.0	Kittitas Co.
			7700.0	Total P,R

[Order DE 72-14, § 173-20-810, filed 6/30/72.]

WAC 173-20-820 Private lands within the confines of federal lands. In addition to the delimitations contained herein, lakes or portions thereof which are located on nonfederal lands within the exterior boundaries of federal lands, which lakes fall within the definitions of lakes and lakes of statewide significance, as stated in WAC 173-20-030, shall be likewise subject to the jurisdiction of chapter 90.58 RCW.

[Order DE 72-14, § 173-20-820, filed 6/30/72.]

Chapter 173-22 WAC

ADOPTION OF DESIGNATIONS OF SHORELANDS AND WETLANDS ASSOCIATED WITH SHORELINES OF THE STATE

WAC

173-22-010	Purpose.
173-22-020	Applicability.
173-22-030	Definitions.
173-22-035	Wetland identification and delineation.
173-22-040	Shoreland area designation criteria.
173-22-050	Review of designations.
173-22-052	Alterations of shorelines affecting designations.
173-22-055	Conflicts between designations and criteria.
173-22-060	Shoreline designation maps.
173-22-0602	Adams County.
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173-22-0606	Benton County.
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173-22-0628	Grays Harbor County.
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173-22-0632	Jefferson County.
173-22-0634	King County.
173-22-0636	Kitsap County.
173-22-0638	Kittitas County.
173-22-0640	Klickitat County.

173-22-0642	Lewis County.
173-22-0644	Lincoln County.
173-22-0646	Mason County.
173-22-0648	Okanogan County.
173-22-0650	Pacific County.
173-22-0652	Pend Oreille County.
173-22-0654	Pierce County.
173-22-0656	San Juan County.
173-22-0658	Skagit County.
173-22-0660	Skamania County.
173-22-0662	Snohomish County.
173-22-0664	Spokane County.
173-22-0666	Stevens County.
173-22-0668	Thurston County.
173-22-0670	Wahkiakum County.
173-22-0672	Walla Walla County.
173-22-0674	Whatcom County.
173-22-0676	Whitman County.
173-22-0678	Yakima County.
173-22-070	Lands within federal boundaries.
173-22-080	Wetland delineation manual.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-22-015	Relationship to National Coastal Zone Management Act of 1972. [Order DE 73-11, § 173-22-015, filed 7/20/73.] Repealed by 97-04-076 (Order 96-12), filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 90.58.140(3) and [90.58].200.
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Reviser's note: Order 73-24, filed 8/28/73 amends maps of wetlands associated with shorelines of the state of Washington and is to be used in conjunction with Administrative Order 73-11, filed 7/20/73. Sections within this chapter will show this date where applicable. The maps are listed by county and are entitled "Shoreline Management Act of 1971, chapter 90.58 RCW amendment to the wetland designations of the state of Washington—chapter 173-22 WAC—Department of ecology—September 1973."

Order DE 77-18, filed 9/20/77 amends chapter 173-22 WAC, regarding designations of associated wetlands which constitute shorelines of the state and are subject to the Shoreline Management Act of 1971 as defined by RCW 90.58.030 (c), (d), (e), (f) and (g).

Order DE 78-15, filed 8/15/78 designating associated wetlands in San Juan County, consists of maps omitted from publication in the Washington Administrative Code under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the maps may be obtained from the Department of Ecology, St. Martin's College, Lacey, Washington 98504.

WAC 173-22-010 Purpose. Pursuant to RCW 90.58.-030 (2)(f), the department of ecology herein designates the wetland areas associated with the streams, lakes and tidal waters which are subject to the provisions of chapter 90.58 RCW.

[Order DE 72-15, § 173-22-010, filed 6/30/72.]

WAC 173-22-020 Applicability. The provisions of this chapter shall apply statewide.

[Order DE 72-15, § 173-22-020, filed 6/30/72.]

WAC 173-22-030 Definitions. As used herein, the following words have the following meanings:

(1) "Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act;

(2) "Atypical situation" as used herein, refers to areas in which one or more parameters (vegetation, soil, and/or hydrology) have been sufficiently altered by recent human activities or natural events to preclude the presence of wetland indicators of the parameter. Recent refers to the period

of time since legal jurisdiction of an applicable law or regulation took effect;

(3) "Duration (inundation/soil saturation)" means the length of time during which water stands at or above the soil surface (inundation), or during which the soil is saturated. As used herein, duration refers to a period during the growing season;

(4) "Flood plain" is synonymous with one hundred-year flood plain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act;

(5) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limit of the floodway is that which has been established in flood regulation ordinance maps or by a reasonable method which meets the objectives of the act;

(6) "Growing season" means the portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5°C);

(7) "Hydrophytic vegetation" means the sum total of macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. When hydrophytic vegetation comprises a community where indicators of hydric soils and wetland hydrology also occur, the area has wetland vegetation;

(8) "Hydric soil" means soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part;

(9) "Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream;

(10) "Long duration" means a period of inundation from a single event that ranges from seven days to one month.

(11) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. The following criteria clarify this mark on tidal waters, lakes, and streams:

(a) Tidal waters.

(i) In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide;

(ii) In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand;

(b) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

(c) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

(12) "Prevalent vegetation" means the plant community or communities that occur in an area during a given period. The prevalent vegetation is characterized by the dominant macrophytic species that comprise the plant community;

(13) "River delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels;

(14) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. Any county or city may determine that portion of a one hundred-year flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(15) A "stream" is a naturally occurring body of periodic or continuously flowing water where:

(a) The mean annual flow is greater than twenty cubic feet per second; and

(b) The water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels;

(16) "Tidal water" includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream;

(17) "Typically adapted" is a term that refers to a species being normally or commonly suited to a given set of environmental conditions, due to some feature of its morphology, physiology, or reproduction;

(18) "Very long duration" means a period of inundation from a single event that is greater than one month.

(19) "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands; and

(20) The definitions set forth in chapter 90.58 RCW shall also apply as used herein.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 97-04-076 (Order 96-12), § 173-22-030, filed 2/5/97, effective 3/8/97. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-030, filed 5/23/86. Statutory Authority: RCW 90.58.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-030, filed 7/2/80; Order DE 73-11, § 173-22-030, filed 7/20/73; Order DE 72-15, § 173-22-030, filed 6/30/72.]

WAC 173-22-035 Wetland identification and delineation. Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the criteria and indicators listed in WAC 173-22-080. These criteria and indicators along with recommended methods and additional background information can be found in the Washington State Wetland Identification and Delineation Manual, Ecology Publication # 96-94.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 97-04-076 (Order 96-12), § 173-22-035, filed 2/5/97, effective 3/8/97.]

WAC 173-22-040 Shoreland area designation criteria. The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:

(1) Tidal waters. The shoreland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohydraulic processes; or a surface connection through a culvert or tide gate;

(2) Lakes. The shoreland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence

includes but is not limited to one or more of the following:
Periodic inundation or hydraulic continuity;

(3) Streams. The shoreland area shall include the greater of:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark;

(b) Those flood plains which extend landward two hundred feet as measured on a horizontal plane from the floodway: Provided, That local government may, at its discretion, include all or a larger portion of the one hundred-year flood plain within the associated shorelands. Designation of this shoreland area shall be in accordance with chapter 173-19 WAC, the state master program. If the applicable master program does not designate the shoreland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;

(c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity; and

(d) Those lands within a river delta flood plain except for those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 97-04-076 (Order 96-12), § 173-22-040, filed 2/5/97, effective 3/8/97. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-040, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-22-040, filed 4/15/85. Statutory Authority: RCW 90.58.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-040, filed 7/2/80; Order DE 76-30, § 173-22-040, filed 7/27/76; Order DE 73-11, § 173-22-040, filed 7/20/73; Order DE 72-15, § 173-22-040, filed 6/30/72.]

WAC 173-22-050 Review of designations. The department shall review all the designations made herein at least once in every five-year period following the effective date of chapter 90.58 RCW or as frequently as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-22 WAC in the manner and form prescribed for adopting and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act).

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-050, filed 5/23/86. Statutory Authority: RCW 90.58.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-050, filed 7/2/80; Order DE 73-11, § 173-22-050, filed 7/20/73; Order DE 72-15, § 173-22-050, filed 6/30/72.]

WAC 173-22-052 Alterations of shorelines affecting designations. Alterations of the existing conditions of shorelines and wetlands of the state which affect the boundary or volume of those water bodies, whether through authorized development or natural causes, shall warrant a review of the designation of those shorelines and their associated wetlands.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-052, filed 5/23/86.]

[Title 173 WAC—p. 104]

WAC 173-22-055 Conflicts between designations and criteria. In the event that any of the wetland designations shown on the maps adopted in WAC 173-22-060 conflict with the criteria set forth in this chapter the criteria shall control. The boundary of the designated wetland areas shall be governed by the criteria set forth in WAC 173-22-040.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-055, filed 5/23/86. Statutory Authority: RCW 90.58.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-055, filed 7/2/80; Order DE 73-11, § 173-22-055, filed 7/20/73.]

WAC 173-22-060 Shoreline designation maps. Shoreline designation maps are those maps which have been prepared and adopted by the department in a manner consistent with chapter 34.04 RCW (the Administrative Procedure Act) that designate the location of shorelines of the state and their associated wetland areas. Wetland designations are applied under the criteria contained in WAC 173-22-040. Due to the bulk of the maps designating the wetland areas, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full legal force and effect as if published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, the Washington state code reviser's office, the appropriate county auditor and city clerk. Copies of portions thereof, or of the complete set, will be available from the department at the expense of the party requesting the same. Volumes I, II, and III entitled *Shorelines under the Shoreline Management Act of 1971* (chapter 90.58 RCW, chapter 286, Laws of 1971 1st ex. sess.) were adopted by reference on June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-060, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-14-001 (Order 85-15), § 173-22-060, filed 6/20/85; 85-09-043 (Order DE 85-05), § 173-22-060, filed 4/15/85. Statutory Authority: RCW 90.58.120, 90.58.200 and 90.58.030 (2)(f). 81-13-034 (Order DE 81-18), § 173-22-060, filed 6/15/81; Order DE 72-15, § 173-22-060, filed 6/30/72.]

WAC 173-22-0602 Adams County. Adams County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0602, filed 5/23/86.]

WAC 173-22-0604 Asotin County. Asotin County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0604, filed 5/23/86.]

WAC 173-22-0606 Benton County. Benton County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0606, filed 5/23/86.]

WAC 173-22-0608 Chelan County. Chelan County designation maps approved June 30, 1972. Revision approved August 28, 1973.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0608, filed 5/23/86.]

WAC 173-22-0610 Clallam County. Clallam County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0610, filed 5/23/86.]

WAC 173-22-0612 Clark County. Clark County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0612, filed 5/23/86.]

WAC 173-22-0614 Columbia County. Columbia County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0614, filed 5/23/86.]

WAC 173-22-0616 Cowlitz County. Cowlitz County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0616, filed 5/23/86.]

WAC 173-22-0618 Douglas County. Douglas County designation maps approved June 30, 1972. Revision approved August 28, 1973.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0618, filed 5/23/86.]

WAC 173-22-0620 Ferry County. Ferry County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0620, filed 5/23/86.]

WAC 173-22-0622 Franklin County. Franklin County designation maps approved June 30, 1972. Revision approved August 28, 1973.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0622, filed 5/23/86.]

WAC 173-22-0624 Garfield County. Garfield County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0624, filed 5/23/86.]

WAC 173-22-0626 Grant County. Grant County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved June 15, 1981.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0626, filed 5/23/86.]

WAC 173-22-0628 Grays Harbor County. Grays Harbor County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved July 2, 1980. Revision approved April 15, 1985.

(2007 Ed.)

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0628, filed 5/23/86.]

WAC 173-22-0630 Island County. Island County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0630, filed 5/23/86.]

WAC 173-22-0632 Jefferson County. Jefferson County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0632, filed 5/23/86.]

WAC 173-22-0634 King County. King County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved June 15, 1981. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0634, filed 5/23/86.]

WAC 173-22-0636 Kitsap County. Kitsap County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved June 15, 1981.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0636, filed 5/23/86.]

WAC 173-22-0638 Kittitas County. Kittitas County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0638, filed 5/23/86.]

WAC 173-22-0640 Klickitat County. Klickitat County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0640, filed 5/23/86.]

WAC 173-22-0642 Lewis County. Lewis County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0642, filed 5/23/86.]

WAC 173-22-0644 Lincoln County. Lincoln County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0644, filed 5/23/86.]

WAC 173-22-0646 Mason County. Mason County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0646, filed 5/23/86.]

WAC 173-22-0648 Okanogan County. Okanogan County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved September 29, 1987. Revision approved January 5, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-03-070 (Order DE 87-45), § 173-22-0648, filed 1/20/88. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.300. 87-20-050 (Order DE 87-35), § 173-22-0648, filed 10/2/87. Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0648, filed 5/23/86.]

WAC 173-22-0650 Pacific County. Pacific County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0650, filed 5/23/86.]

WAC 173-22-0652 Pend Oreille County. Pend Oreille County designation maps approved June 30, 1972. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0652, filed 5/23/86.]

WAC 173-22-0654 Pierce County. Pierce County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0654, filed 5/23/86.]

WAC 173-22-0656 San Juan County. San Juan County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved August 15, 1978. Revision approved July 2, 1980. Revision approved June 20, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0656, filed 5/23/86.]

WAC 173-22-0658 Skagit County. Skagit County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0658, filed 5/23/86.]

WAC 173-22-0660 Skamania County. Skamania County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0660, filed 5/23/86.]

WAC 173-22-0662 Snohomish County. Snohomish County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved July 2, 1980.

[Title 173 WAC—p. 106]

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0662, filed 5/23/86.]

WAC 173-22-0664 Spokane County. Spokane County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0664, filed 5/23/86.]

WAC 173-22-0666 Stevens County. Stevens County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0666, filed 5/23/86.]

WAC 173-22-0668 Thurston County. Thurston County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0668, filed 5/23/86.]

WAC 173-22-0670 Wahkiakum County. Wahkiakum County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0670, filed 5/23/86.]

WAC 173-22-0672 Walla Walla County. Walla Walla County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0672, filed 5/23/86.]

WAC 173-22-0674 Whatcom County. Whatcom County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0674, filed 5/23/86.]

WAC 173-22-0676 Whitman County. Whitman County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0676, filed 5/23/86.]

WAC 173-22-0678 Yakima County. Yakima County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0678, filed 5/23/86.]

WAC 173-22-070 Lands within federal boundaries. In addition to those designations contained in the appendix, those nonfederal lands lying within the exterior boundaries of federal lands and those federal lands leased by the federal government to other persons, which lands fall within the definition of shorelands contained herein, shall also be subject to the jurisdiction of chapter 90.58 RCW.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 97-04-076 (Order 96-12), § 173-22-070, filed 2/5/97, effective 3/8/97; Order DE 73-11, § 173-22-070, filed 7/20/73; Order DE 72-15, § 173-22-070, filed 6/30/72.]

WAC 173-22-080 Wetland delineation manual. The department has prepared a Washington State Wetland Identification and Delineation Manual (Ecology publication # 96-94) to be used in implementing these regulations. The mandatory portions of this manual are adopted into the following regulations. In addition, the manual contains background information, guidance, examples, and methods which may be useful in applying these regulations. The manual is intended to be used in implementing the Shoreline Management Act and other applicable state statutes. The manual is also to be used by local governments in implementing local regulations under the Growth Management Act (chapter 36.70A RCW).

The state manual takes the original 1987 Corps of Engineers manual and incorporates the changes made by the federal government to the 1987 manual since that time. This includes the national guidance issued by the Corps in 1991 and 1992, and the regional guidance issued by the Corps and EPA in 1994. All other changes are of two types:

Additional language added to assist the user in applying the manual to the variety of situations found in the state of Washington; or

Deletion of geographic material or references irrelevant to Washington.

Since the original 1987 manual was developed for use throughout the United States, it contains many references that do not apply to our state. Where appropriate, references to species or situations found in Washington have been added.

(1) Wetland delineation. Purpose and introduction.

It is the purpose of a delineation manual to provide information and methods that will allow a delineator to make an accurate wetland delineation at any time of the year. However, it must be recognized that some wetlands will be more difficult to delineate than others and that all information collected must be used in conjunction with the knowledge and experience of the delineator. The proper collection and recording of field and other supporting data is one of the most critical aspects of any wetland delineation. The wetland delineation regulations are intended to identify areas that meet the definition of wetlands found in state law. They are also intended to identify the same areas identified in the Corps of Engineers 1987 Wetlands Delineation Manual, as amended and augmented by official federal guidance issued through January 1995.

The technical approach for identifying and delineating wetlands does not constitute a classification system. It provides a basis for determining whether a given area is a wetland for purposes of federal, state and local regulations without attempting to classify it by wetland type.

Certain wetland types, under the extremes of normal seasonal or annual variability, may not always meet all the wetland criteria defined in the manual. Examples include vernal wetlands during drought years and seasonal wetlands that may lack hydrophytic vegetation and/or wetland hydrology during the dry season. Such areas are discussed in subsection (12) of this section (**Problem Areas**), and guidance is provided for making wetland determinations in these areas.

Three key provisions of the definition of wetlands include:

(a) Inundated or saturated soil conditions resulting from permanent or periodic inundation or saturation by ground water or surface water.

(b) A prevalence of vegetation typically adapted for life in saturated soil conditions (hydrophytic vegetation).

(c) The presence of "normal circumstances."

Explicit in the definition is the consideration of three environmental parameters: Hydrology, soil, and vegetation. Positive wetland indicators of all three parameters are normally present in wetlands. Although vegetation is often the most readily observed parameter, sole reliance on vegetation or either of the other parameters as the determinant of wetlands can sometimes be misleading. Many plant species can grow successfully in both wetlands and nonwetlands, and hydrophytic vegetation and hydric soils may persist for decades following alteration of hydrology that will render an area a nonwetland. The presence of hydric soils and wetland hydrology indicators in addition to vegetation indicators will provide a logical, easily defensible, and technical basis for the presence of wetlands. The combined use of indicators for all three parameters will enhance the technical accuracy, consistency, and credibility of wetland determinations. Therefore, all three parameters were used in developing the criteria for wetlands and all approaches for applying the criteria embody the multiparameter concept.

The procedures described in the methods section of the state delineation manual have been tested and found to be reliable. However, these methods are recommendations and are not mandatory. Site-specific conditions may require modification of field procedures. The user has the flexibility to employ sampling procedures other than those described. However, the basic approach for making wetland determinations should not be altered (i.e., the determination should be based on the dominant plant species, soil characteristics, and hydrologic characteristics of the area in question). The user should document reasons for using a different characterization procedure than described in the state manual. *CAUTION: Application of methods described in the manual or the modified sampling procedures requires that the user be familiar with wetlands of the area and use his/her training, experience, and good judgment in making wetland determinations.*

(2) Wetland identification and delineation. Technical criteria. The interaction of hydrology, vegetation, and soil results in the development of characteristics unique to wetlands. Therefore, the following criteria for wetlands are based on these three parameters.

The definition of wetlands (WAC 173-22-030) includes the language found in the federal Clean Water Act regulations. It also includes additional language found in the Shoreline Management Act and Growth Management Act which specifically excludes several types of "artificial" wetlands. Many of these areas specifically excluded in the definition will meet the technical requirements for being a wetland (i.e., will meet all three criteria). The delineation manual identifies all areas that meet the necessary wetland criteria and does not attempt to distinguish these "artificial" wetlands. If necessary, the user will need to independently determine if a wetland as identified by this manual fits in any of the categories

of "artificial" wetlands specifically excluded in the definition.

(3) The following criteria, and technical approach comprise the basis for the identification and delineation of wetlands:

Wetlands meet the following criteria:

(a) Vegetation. The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions described in subsection (1)(a) of this section. Hydrophytic species, due to morphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. Indicators of vegetation associated with wetlands are listed in this section.

(b) Soil. A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. (USDA-NRCS 1995, Federal Register, 7/13/94, Vol. 59, No. 133, pp 35680-83.) The following criteria reflect those soils that meet this definition:

(i) All Histosols except Folists; or

(ii) Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Aquisalsids, Pachic subgroups, or Cumulic subgroups that are:

(A) Somewhat poorly drained with a water table equal to 0.0 foot (ft.) from the surface during the growing season; or

(B) Poorly drained or very poorly drained and have either:

(I) A water table equal to 0.0 ft. during the growing season if textures are coarse sand, sand, or fine sand in all layers within 20 inches (in.), or for other soils;

(II) A water table at less than or equal to 0.5 ft. from the surface during the growing season if permeability is equal to or greater than 6.0 in./hour in all layers within 20 in.; or

(III) The water table is at less than or equal to 1.0 ft. from the surface during the growing season if permeability is less than 6.0 in./hour in any layer within 20 in.; or

(iii) Soils that are frequently ponded for long or very long duration during the growing season; or

(iv) Soils that are frequently flooded for long duration or very long duration during the growing season.

Soil criteria indicators are listed in subsections (6), (7) and (8) of this section.

(c) Hydrology. Areas which are inundated and/or saturated to the surface for a consecutive number of days for more than 12.5 percent of the growing season are wetlands, provided the soil and vegetation parameters are met. Areas inundated or saturated to the surface for a consecutive number of days between 5 percent and 12.5 percent of the growing season in most years may or may not be wetlands. Areas inundated or saturated to the surface for less than 5 percent of the growing season are nonwetlands. Wetland hydrology exists if field indicators are present as described in subsection (10) of this section.

(d) Technical approach for the identification and delineation of wetlands. Except in certain situations defined in this manual, evidence of at least one positive wetland indicator from each parameter (hydrology, soil, and vegetation) must be found in order to make a positive wetland determination.

Characteristics and Indicators of Hydrophytic Vegetation, Hydric Soils, and Wetland Hydrology

(4) Hydrophytic vegetation. The plant community concept is followed throughout the manual. Emphasis is placed on the assemblage of plant species that exert a controlling influence on the character of the plant community, rather than on indicator species. Thus, the presence of scattered individuals of an upland plant species in a community dominated by hydrophytic species is not a sufficient basis for concluding that the area is an upland community. Likewise, the presence of a few individuals of a hydrophytic species in a community dominated by upland species is not a sufficient basis for concluding that the area has hydrophytic vegetation.

(5) Indicators of hydrophytic vegetation. Several indicators may be used to determine whether hydrophytic vegetation is present on a site. However, the presence of a single individual of a hydrophytic species does not mean that hydrophytic vegetation is present. The strongest case for the presence of hydrophytic vegetation can be made when several indicators, such as those in the following list, are present. One of the most common errors made in delineating wetlands has been to assume that the first indicator (a) must be met in every case. This has led to some wetland areas being called nonwetland. Keep in mind that any of the following indicators may be used to meet the vegetation criteria. However, when using any indicator other than (a), it is important to have solid documentation of wetland hydrology and hydric soils. Indicators are listed in order of decreasing reliability. Although all are valid indicators, some are stronger than others. When a decision is based on an indicator appearing in the lower portion of the list, re-evaluate the parameter to ensure that the proper decision was reached.

(a) More than 50 percent of the dominant species are OBL, FACW+, FACW, FACW-, FAC+ or FAC (Table 1) on lists of plant species that occur in wetlands. A national inter-agency panel has prepared a National List of Plant Species that Occur in Wetlands (Reed 1988a). This list categorizes species according to their affinity for occurrence in wetlands. In addition, a 1993 supplement to the plants species list for Region 9 (Northwest) has been prepared (Reed 1993). Be sure to consult this supplement or any more recent supplements to confirm that a species has the proper indicator status. (The Seattle District of the Corps does not use the FAC neutral option as an indicator of hydrophytic vegetation but does allow the use of the FAC neutral option as an indicator of hydrology. See Hydrology indicator # 10 for definition.) FAC- species do not count as FAC species for the purposes of meeting indicator (a). Only FAC, FAC+, FACW (+, -) and OBL species count.

Table 1

Plant Indicator Status Categories

Indicator Category	Indicator Symbol	Definition
OBLIGATE WETLAND PLANTS	OBL	Plants that almost always occur (estimated probability >99%) in wetlands under natural conditions, but which may also occur rarely (estimated probability <1%) in

Table 1

Plant Indicator Status Categories

Indicator Category	Indicator Symbol	Definition
		nonwetlands. Examples: <i>Typha latifolia</i> , <i>Lysichitum americanum</i>
FACULTATIVE WETLAND PLANTS	FACW	Plants that usually occur (estimated probability 67% to 99%) in wetlands, but also occur (estimated probability 1% to 33% in nonwetlands). Examples: <i>Fraxinus latifolia</i> , <i>Cornus stolonifera</i> .
FACULTATIVE PLANTS	FAC	Plants with a similar likelihood (estimated probability 34% to 66%) of occurring in both wetlands and nonwetlands. Examples: <i>Alnus rubra</i> , <i>Rubus spectabilis</i>
FACULTATIVE UPLAND PLANTS	FACU	Plants that sometimes occur (estimated probability 1% to 33%) in wetlands, but occur more often (estimated probability 67% to 99%) in nonwetlands. Examples: <i>Acer macrophyllum</i> , <i>Rubus discolor</i>
OBLIGATE UPLAND PLANTS	UPL	Plants that rarely occur (estimated probability <1%) in wetlands, but occur almost always (estimated probability >99%) in nonwetlands under natural conditions.

Categories were originally developed and defined by the USFWS National Wetlands Inventory and subsequently modified by the National Plant List Panel. The three facultative categories are subdivided by (+) and (-) modifiers. FAC+ species are considered to have a greater estimated probability of occurring in wetlands than FAC species, while FAC- species are considered to have a lesser estimated probability of occurring in wetlands than FAC species.

(b) Other indicators. Although there are several other indicators of hydrophytic vegetation, it will seldom be necessary to use them. However, they may provide additional useful information to strengthen a case for the presence of hydrophytic vegetation. Additional training and/or experience may be required to employ these indicators.

(i) Visual observation of plant species growing in areas of prolonged inundation and/or soil saturation. This indicator can only be applied by experienced personnel who have accumulated information through several years of field experience and written documentation (field notes) that certain species commonly occur in areas of prolonged (>12.5 percent) inundation and/or soil saturation during the growing season. In certain situations, areas with wetland hydrology and hydric soils may be dominated by plant species classified as facultative upland. The most common examples in Washington are Western Hemlock forested wetlands and wet meadows planted with pasture grasses. It is important to keep in mind

that facultative upland species are found in wetlands up to 33% of the time and, under certain circumstances, can be the dominant species in a wetland plant community. Usually, however, FACU species are found in uplands. Thus, if you encounter a situation where the hydrology and soil parameters are clearly met, do not eliminate the area from consideration as a wetland based on a lack of prevalence of facultative or wetter vegetation. Species such as *Gaultheria shallon*, *Acer circinatum*, and *Pteridium aquilinum* may be found in these areas, often on hummocks or downed logs or stumps. More typical wetland species may occur in such areas, though often as nondominants. Thus, occurrence of species commonly observed in other wetland areas provides a strong indication that hydrophytic vegetation is present. If you have strong evidence that the hydrology and soil parameters are met then the vegetation is acting as a hydrophyte and the area is probably a wetland.

CAUTION: *It is necessary to have good documentation that the area experiences prolonged inundation and/or saturation in order to call it a wetland. The presence of standing water or saturated soil on a site at a single point in time or for short periods is insufficient evidence that the species present are able to tolerate long periods of inundation. The user must relate the observed species to other similar situations and determine whether they are normally found in wet areas, taking into consideration the season and immediately preceding weather conditions. If you encounter this situation, you may be dealing with an atypical situation or a problem area.*

(ii) Morphological adaptations. Some hydrophytic species have easily recognized physical characteristics that indicate their ability to occur in wetlands. A given species may exhibit several of these characteristics, but not all hydrophytic species have evident morphological adaptations.

(iii) Technical literature. The technical literature may provide a strong indication that plant species comprising the prevalent vegetation are commonly found in areas where soils are periodically saturated for long periods. Sources of available literature include:

(A) Taxonomic references. Such references usually contain at least a general description of the habitat in which a species occurs. A habitat description such as, "Occurs in water of streams and lakes and in alluvial flood plains subject to periodic flooding," supports a conclusion that the species typically occurs in wetlands.

(B) Botanical journals. Some botanical journals contain studies that define species occurrence in various hydrologic regimes.

(C) Technical reports. Governmental agencies periodically publish reports (e.g., literature reviews) that contain information on plant species occurrence in relation to hydrologic regimes.

(D) Technical workshops, conferences, and symposia. Publications resulting from periodic scientific meetings contain valuable information that can be used to support a decision regarding the presence of hydrophytic vegetation. These usually address specific regions or wetland types.

(E) Wetland plant data base. The National Wetland Inventory has produced a plant data base that contains habitat information on over 6,700 plant species that occur at some

estimated probability in wetlands, as compiled from the technical literature.

(iv) Physiological adaptations. Physiological adaptations include any features of the metabolic processes of plants that make them particularly fitted for life in saturated soil conditions. *NOTE: It is impossible to detect the presence of physiological adaptations in plant species during on-site visits.*

(v) Reproductive adaptations. Some plant species have reproductive features that enable them to become established and grow in saturated soil conditions.

(6) Hydric soils. Indicators. Indicators are listed in descending order of reliability. Although all are valid indicators, some are stronger indicators than others. When a decision is based on an indicator appearing in the lower portion of the list, re-evaluate the parameter to ensure that the proper decision was reached.

A hydric soil may be either drained or undrained, and a drained hydric soil may not continue to support hydrophytic vegetation. Therefore, not all areas having hydric soils will qualify as wetlands. Only when a hydric soil supports hydrophytic vegetation and the area has indicators of wetland hydrology may the area be referred to as a wetland.

A drained hydric soil is one in which sufficient ground or surface water has been removed by artificial means such that the area will no longer support hydrophytic vegetation or wetland hydrology. On-site evidence of drained soils includes:

(a) Presence of ditches or canals of sufficient depth to lower the water table below the major portion of the root zone of the prevalent vegetation.

(b) Presence of dikes, levees, or similar structures that obstruct normal inundation of an area.

(c) Presence of a tile system to promote subsurface drainage.

(d) Diversion of upland surface run-off from an area.

Although it is important to record such evidence of drainage of an area, a hydric soil that has been drained or partially drained still allows the soil parameter to be met. However, the area will not qualify as a wetland if the degree of drainage has been sufficient to preclude the presence of either hydrophytic vegetation or a hydrologic regime that occurs in wetlands. *NOTE: The mere presence of drainage structures in an area is not sufficient basis for concluding that a hydric soil has been drained; such areas may continue to have wetland hydrology.*

(7) Indicators of hydric soils (nonsandy soils). Several indicators are available for determining whether a given soil meets the definition and criteria for hydric soils. Any one of the following indicates that hydric soils are present.

(a) Organic soils (Histosols). As a general rule, a soil is an organic soil when:

(i) More than 50 percent (by volume) of the upper 32 inches of soil is composed of organic soil material; or

(ii) Organic soil material of any thickness rests on bedrock. Organic soils are saturated for long periods and are commonly called peats or mucks.

(b) Histic epipedons. A histic epipedon is an 8-inch to 16-inch layer at or near the surface of a mineral hydric soil that is saturated with water for 30 consecutive days or more in most years and contains a minimum of 20 percent organic matter when no clay is present or a minimum of 30 percent

organic matter when clay content is 60 percent or greater. Soils with histic epipedons are inundated or saturated for sufficient periods to greatly retard aerobic decomposition of the organic surface, and are considered to be hydric soils.

(c) Sulfidic material. When mineral soils emit an odor of rotten eggs, hydrogen sulfide is present. Such odors are only detected in soils that are permanently saturated and have sulfidic material within a few centimeters of the soil surface. Sulfides are produced only in a reducing environment.

(d) Aquic or peraquic moisture regime. An aquic moisture regime is a reducing one; i.e., it is virtually free of dissolved oxygen because the soil is saturated by ground water or by water of the capillary fringe. Because dissolved oxygen is removed from ground water by respiration of microorganisms, roots, and soil fauna, it is also implicit that the soil temperature is above biologic zero (41°F at 20 inches) at the same time the soil is saturated. Soils with peraquic moisture regimes are characterized by the presence of ground water which is always at or near the soil surface and exhibits reducing conditions. Examples include soils of tidal marshes and soils of closed, landlocked depressions that are fed by permanent streams.

(e) Reducing soil conditions. Soils saturated for long or very long duration will usually exhibit reducing conditions. Under such conditions, ions of iron are transformed (reduced) from a ferric valence state (Fe³⁺) to a ferrous valence state (Fe²⁺). This condition can often be detected in the field by a ferrous iron test. A simple colorimetric field test kit has been developed for this purpose. When a soil extract changes to a pink color upon addition of alpha-alpha-dipyridil, ferrous iron is present, which indicates a reducing soil environment. *NOTE: This test cannot be used in mineral hydric soils having low iron content, organic soils, and soils that have been desaturated for significant periods of the growing season. Caution: This test can only be used as a positive indicator of reducing conditions and it is only effective if it is done at the time that a mineral soil is actively reducing. While the presence of a reaction indicates anaerobic conditions, the lack of a reaction does not indicate a lack of anaerobic conditions.*

(f) Soil colors. The colors of various soil components are often the most diagnostic indicator of hydric soils. Colors of these components are strongly influenced by the frequency and duration of soil saturation, which leads to reducing soil conditions. Mineral hydric soils will be either gleyed or will have contrasting mottles and/or low chroma matrix. These are discussed below:

NOTE: Soil terminology is undergoing constant change, and terms such as "mottles" and "low chroma colors" are being replaced with the term "redoximorphic features." In order to retain consistency with the Corps 1987 Manual, the older terms are used below.

(i) Gleyed soils (gray colors). Gleyed soils develop when anaerobic soil conditions result in pronounced chemical reduction of iron, manganese, and other elements, thereby producing gray soil colors. Anaerobic conditions that occur in waterlogged soils result in the predominance of reduction processes, and such soils are greatly reduced. Iron is one of the most abundant elements in soils. Under anaerobic conditions, iron is converted from the oxidized (ferric) state to the reduced (ferrous) state, which results in the bluish, greenish, or grayish colors associated with the gleying effect. Gleying

immediately below the A-horizon or 10 inches (whichever is shallower) is an indication of a markedly reduced soil, and gleyed soils are hydric soils. Gleyed soil conditions can be determined by using the gley page of the Munsell Color Charts (Munsell Color 1990).

(ii) Soils with contrasting mottles and/or low chroma matrix. Mineral hydric soils that are saturated for substantial periods of the growing season (but not long enough to produce gleyed soils) will either have high chroma mottles and a low chroma matrix or will lack mottles but have a low matrix chroma. Mottled means "marked with spots of contrasting color." Soils that have high chroma mottles and a low chroma matrix are indicative of a fluctuating water table.

NOTE: Hydric soils can also have low chroma mottles that contrast with the matrix color.

The soil matrix is the portion (usually more than 50 percent) of a given soil layer that has the predominant color. Colors should be determined in soils that have been moistened; otherwise, state that colors are for dry soils. Mineral hydric soils usually have one of the following color features in the horizon immediately below the A-horizon or 10 inches (whichever is shallower):

(A) Matrix chroma of 2 or less in mottled soils.

(B) Matrix chroma of 1 or less in unmottled soils.

NOTE: The matrix chroma of some dark (black) mineral hydric soils (e.g., Aquolls) will not conform to the criteria described in (f)(ii)(A) and (B) of this subsection; in such soils, gray mottles occurring at 10 inches or less are indicative of hydric conditions. Mollisols that are not hydric will often still have dark colored surface soils.

CAUTION: Soils with significant coloration due to the nature of the parent material may not exhibit the above characteristics. In such cases, this indicator cannot be used.

(g) Soil appearing on hydric soils list. Using the criteria for hydric soils, the NTCHS has developed a list of hydric soils. Listed soils have reducing conditions for a significant portion of the growing season in a major portion of the root zone and are frequently saturated within 12 inches of the soil surface if they have not been effectively drained. *CAUTION: Do not use this indicator unless you have field verified that the profile description of the mapping unit conforms to that of the sampled soil.*

(h) Iron and manganese concretions. During the oxidation-reduction process, iron and manganese in suspension are sometimes segregated as oxides into concretions, nodules or soft masses. These accumulations are usually black or dark brown. Concretions >2 mm. in diameter occurring within 7.5 cm. of the surface are evidence that the soil is saturated for long periods near the surface.

CAUTION: Concretions may be relict features. Be careful to confirm that the hydrologic conditions that created the concretions still exist before using this indicator.

(8) Additional indicators of hydric soils (for sandy soils). Not all indicators listed above can be applied to sandy soils. In particular, soil color may not be a reliable indicator in most sandy soils. However, three additional soil features may be used as indicators of sandy hydric soils, including:

(a) High organic matter content in the surface horizon. Organic matter tends to accumulate above or in the surface horizon of sandy soils that are inundated or saturated to the surface for a significant portion of the growing season. Pro-

longed inundation or saturation creates anaerobic conditions that greatly inhibit decomposition (oxidation) of organic matter.

(b) Streaking of subsurface horizons by organic matter. Organic matter is moved downward through sand as the water table fluctuates. This often occurs more rapidly and to a greater degree in some vertical sections of a sandy soil containing a higher content of organic matter than in others. Thus, the sandy soil appears streaked with darker areas. When soil from a darker area is rubbed between the fingers, the organic matter stains the fingers.

(c) Organic pans. As organic matter is moved downward through sandy soils, it tends to accumulate at the point representing the most commonly occurring depth to the water table. This organic matter tends to become slightly cemented with iron and aluminum, forming a thin layer of hardened soil (spodic horizon). These horizons often occur at depths of 12 to 30 inches below the mineral surface. Wet spodic soils usually have thick dark surface horizons that are high in organic matter with dull, gray horizons above the spodic horizon. Generally, the nearer to the surface the spodic horizon, the more likely the soil is hydric.

CAUTION: In recently deposited sandy material (e.g., accreting sandbars), it may be impossible to find any of these indicators. In such cases, consider this a problem area (Entisols).

NOTE: The NRCS developed and published Field Indicators of Hydric Soils in the United States in July 1996. This document includes many useful indicators of hydric soils, however, some hydric soils will lack one of the indicators included in the NRCS document. Therefore, the indicators are only used as positive indicators — if one or more of the indicators is present, the soil is a hydric soil, but the lack of any of these indicators does not mean the soil is nonhydric. In addition, the Corps has not authorized the use of these new field indicators and has stated that while they may be used as additional information, they do not replace the indicators in the 1987 Manual nor may they be used to contradict the 1987 Manual indicators.

(9) Wetland hydrology. The term "wetland hydrology" encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface at some time during the growing season. Areas with evident characteristics of wetland hydrology are those where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and chemically reducing conditions, respectively. Such characteristics are usually present in areas that are inundated or have soils that are saturated to the surface for sufficient duration to develop hydric soils and support vegetation typically adapted for life in periodically anaerobic soil conditions. Hydrology is often the least exact of the parameters, and indicators of wetland hydrology are sometimes difficult to find in the field. However, it is essential to establish that a wetland area is periodically inundated or has saturated soils during the growing season.

It is usually impractical to accurately measure the duration of soil saturation in the field because it takes repeated visits over a lengthy (several years) period of time. However, there has been a sufficient amount of research to support that the field indicators provided in the manual and supplement

tary guidance can be good measures of both the frequency and duration of soil saturation.

Given the requirement that inundation/saturation must be present for a certain portion of the growing season it is important to understand how the concept of growing season should be applied. The definition of growing season is: "The portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biological zero (41 degrees F). For ease of determination this period can be approximated by the number of frost-free days." The Washington State Wetland Identification and Delineation Manual contains additional guidance on how to determine the growing season.

(10) Indicators of wetland hydrology. Indicators of wetland hydrology may include, but are not necessarily limited to: Drainage patterns, drift lines, sediment deposition, watermarks, stream gage data and flood predictions, historic records, visual observation of saturated soils, and visual observation of inundation. Any of these indicators may be evidence of wetland hydrologic characteristics.

Methods for determining hydrologic indicators can be categorized according to the type of indicator. Recorded data include stream gage data, lake gage data, tidal gage data, flood predictions, and historical records. Use of these data is commonly limited to areas adjacent to streams or other similar areas. Recorded data usually provide both short-term and long-term information about frequency and duration of inundation, but contain little or no information about soil saturation, which must be gained from soil surveys or other similar sources. The remaining indicators require field observations. Field indicators are evidence of present or past hydrologic events (e.g., location and height of flooding). Indicators are listed in order of decreasing reliability. Although all are valid indicators, some are stronger indicators than others. When a decision is based on an indicator appearing in the lower portion of the list, re-evaluate the parameter to ensure that the proper decision was reached. Indicators for recorded data and field observations include:

(a) Recorded data. Stream gage data, lake gage data, tidal gage data, flood predictions, and historical data may be available from the following sources:

(i) Corps of Engineers (CE) district offices. Most CE Districts maintain stream, lake, and tidal gage records for major water bodies in their area. In addition, CE planning and design documents often contain valuable hydrologic information. For example, a General Design Memorandum (GDM) usually describes flooding frequencies and durations for a project area. Furthermore, the extent of flooding within a project area is sometimes indicated in the GDM according to elevation (height) of certain flood frequencies (1-, 2-, 5-, 10-year, etc.).

(ii) U.S. Geological Survey (USGS). Stream and tidal gage data are available from the USGS offices throughout the Nation, and the latter are also available from the National Oceanic and Atmospheric Administration. CE Districts often have such records.

(iii) State, county, and local agencies. These agencies often have responsibility for flood control/relief and flood insurance.

(iv) Natural Resource Conservation Service Small Watershed Projects. Planning documents from this agency

are often helpful, and can be obtained from the NRCS district office in the county.

(v) Planning documents of developers.

(b) Field data. The following field hydrologic indicators can be assessed quickly, and although some of them are not necessarily indicative of hydrologic events that occur only during the growing season, they do provide evidence that inundation and/or soil saturation has occurred:

CAUTION: Many delineators have made the mistake of assuming that the wettest conditions occur in the earliest part of the growing season - usually March and April. However, in some situations, the wettest time of the growing season may be later. This is especially true in areas that receive snowmelt run-off or irrigation water or are subject to tidal influence.

(i) Visual observation of inundation. The most obvious and revealing hydrologic indicator may be simply observing the areal extent of inundation. However, because seasonal conditions and recent weather conditions can contribute to surface water being present on a nonwetland site, both should be considered when applying this indicator.

(ii) Visual observation of soil saturation. Examination of this indicator requires digging a soil pit to a depth of 16 inches and observing the level at which water stands in the hole after sufficient time has been allowed for water to drain into the hole. The required time will vary depending on soil texture. In some cases, the upper level at which water is flowing into the pit can be observed by examining the wall of the hole. This level usually represents the depth to the water table. The depth to saturated soils will always be nearer the surface due to the capillary fringe. For soil saturation to impact vegetation, it must occur within a major portion of the root zone (usually within 12 inches of the surface) of the prevalent vegetation. The major portion of the root zone is that portion of the soil profile in which more than one half of the plant roots occur. *CAUTION: In some heavy clay soils, water may not rapidly accumulate in the hole even when the soil is saturated. If water is observed at the bottom of the hole but has not filled to the 12-inch depth, examine the sides of the hole and determine the shallowest depth at which water is entering the hole. When applying this indicator, the season of the year and preceding weather conditions as well the duration of saturation must be considered. NOTE: This indicator has caused confusion in relation to the hydrology criteria, which stipulates that saturation must be to the surface. If the water table (the level at which standing water is found in an unlined hole) is found within twelve inches of the soil surface in a nonsandy soil, one can assume that soil saturation occurs to the surface. For sandy soils, the water table must be within six inches of the soil surface. However, simply finding the water table at the appropriate depth on one particular day, does not necessarily confirm that saturation to the surface for the appropriate length of time does occur. Conversely, finding the water table below the appropriate depth on one particular day, does not confirm that saturation to the surface for the appropriate length of time does not occur.*

(iii) Watermarks. Watermarks are most common on woody vegetation. They occur as stains on bark or other fixed objects (e.g., bridge pillars, buildings, tree trunks, fences, etc.). When several watermarks are present, the highest reflects the maximum extent of recent inundation.

(iv) Drift lines. This indicator is most likely to be found adjacent to streams or other sources of water flow in wetlands, but also often occurs in tidal marshes. Evidence consists of deposition of debris in a line on the surface or debris entangled in above ground vegetation or other fixed objects. Debris usually consists of remnants of vegetation (branches, stems, and leaves), sediment, litter, and other waterborne materials deposited parallel to the direction of water flow. Drift lines provide an indication of the minimum portion of the area inundated during a flooding event; the maximum level of inundation is generally at a higher elevation than that indicated by a drift line.

(v) Sediment deposits. Plants and other vertical objects often have thin layers, coatings, or depositions of mineral or organic matter on them after inundation. This evidence may remain for a considerable period before it is removed by precipitation or subsequent inundation. Sediment deposition on vegetation and other objects provides an indication of the minimum inundation level. When sediments are primarily organic (e.g., fine organic material, algae), the detritus may become encrusted on or slightly above the soil surface after dewatering occurs.

(vi) Drainage patterns within wetlands. This indicator, which occurs primarily in wetlands adjacent to streams or in depressions with closed or restricted outlets and impervious subsoils, consists of surface evidence of drainage flow into or through an area that is restricted for a substantial duration. In some wetlands, this evidence may exist as a drainage pattern eroded into the soil, vegetative matter (debris) piled against thick vegetation or woody stems oriented perpendicular to the direction of water flow, or the absence of expected leaf litter. Scouring is often evident around roots of persistent vegetation. Debris may be deposited in or along the drainage pattern. *CAUTION: Drainage patterns also occur in upland areas after periods of considerable precipitation; therefore, topographic position must also be considered when applying this indicator.*

(vii) Oxidized rhizospheres surrounding living roots are acceptable hydrology indicators on a case-by-case basis and may be useful in ground water driven systems. Rhizospheres should also be reasonably abundant and within the upper 12 inches of the soil profile. Oxidized rhizospheres should be supported by other indicators of hydrology if hydrology evidence is weak. *Caution: Make sure that the oxidation is occurring along live roots/rhizomes and thus, that they are not relict.*

(viii) Local soil survey data - If you can field verify that the soil at your sampling site is a soil listed in the county soil survey or on the Washington State List of Hydric Soils, then the data in the soil survey referring to the flooding and/or high water table conditions for that soil can be accepted as valid for your site (assuming the site has not been effectively drained since the time it was mapped by the NRCS).

(ix) Water-stained leaves - Forested wetlands that are inundated at some time of the year will frequently have water stained leaves on the forest floor. These leaves are generally grayish or blackish in appearance, as a result of being underwater for significant periods. This indicator should be used with caution as water-stained leaves don't always indicate long-term inundation/saturation. It is important to compare the color of the leaves in the area presumed to be wetland

with leaves of the same species in an adjacent area that is clearly upland. There should be a distinct difference in the color and texture of the leaves.

(x) FAC neutral test - In areas where hydrology evidence is weak or lacking, the FAC neutral test may be employed to corroborate the presence of sufficient hydrology. Apply as follows: Compare the number of dominants that are FACW and OBL with the number of dominants that are FACU and UPL (ignore the "neutral" FAC dominants). If there are more dominants that are FACW or wetter than there are dominants that are FACU or drier, then one can infer that the plant community is reflecting the presence of wetland hydrology. If there is a tie, compare the number of FAC+ and FAC- to see if there is a difference. If there is still a tie between the numbers of dominants, examine the nondominant species to determine if they provide an indication of how strongly hydrophytic the vegetation is. Any use of nondominants should be clearly documented and explained.

(xi) Other - Explain and provide rationale for use.

(11) Atypical situations. When a determination is made that positive indicators of hydrophytic vegetation, hydric soils, and/or wetland hydrology could not be found due to effects of recent human activities or natural events, it is necessary to employ different methods of determining the presence of indicators for hydrology, soils or vegetation. The term recent refers to the period of time since legal jurisdiction of an applicable law or regulation took effect.

When any of the three types of situations described below occurs, application of normal methods will lead to the conclusion that the area is not a wetland because positive wetland indicators for at least one of the three parameters will be absent. Therefore, apply procedures described in Part IV, Section F of the 1987 Corps of Engineers Wetland Delineation Manual or the Washington State Wetland Identification and Delineation Manual (as appropriate) to determine whether positive indicators of hydrophytic vegetation, hydric soils, and/or wetland hydrology existed prior to alteration of the area.

This section is applicable to delineations made in the following types of situations:

(a) Unauthorized activities. Unauthorized discharges requiring enforcement actions may result in removal or covering of indicators of one or more wetland parameters. Examples include, but are not limited to:

(i) Alteration or removal of vegetation;

(ii) Placement of dredged or fill material over hydric soils; and/or

(iii) Construction of levees, drainage systems, or dams that significantly alter the area hydrology. *NOTE: This section should not be used for activities that have been previously authorized or those that are exempted from regulation.*

(b) Natural events. Naturally occurring events may result in either creation or alteration of wetlands. For example, recent beaver dams may impound water, thereby resulting in a shift of hydrology and vegetation to wetlands. However, hydric soil indicators may not have developed due to insufficient time having passed to allow their development. Fire, avalanches, volcanic activity, and changing river courses are other examples. *NOTE: It is necessary to determine whether alterations to an area have resulted in changes that are now the "normal circumstances."* The relative permanence of the

change and whether the area is now functioning as a wetland must be considered.

(c) Human-induced wetlands. These are wetlands that have been purposely or incidentally created by human activities, but in which wetland indicators of one or more parameters are absent. For example, road construction may have resulted in impoundment of water in an area that previously was nonwetland, thereby affecting hydrophytic vegetation and wetland hydrology in the area. However, the area may lack hydric soil indicators. *NOTE: This is not intended to bring into jurisdiction those human-made wetlands that are exempted under agency regulations or policy.* It is also important to consider whether the man-induced changes are now the "normal circumstances" for the area. Both the relative permanence of the change and the functioning of the area as a wetland are implied.

(12) Problem areas. There are certain wetland types and/or conditions that may make application of indicators of one or more parameters difficult, at least at certain times of the year. These are not considered to be atypical situations. Instead, they are wetland types in which wetland indicators of one or more parameters may be periodically lacking due to normal environmental conditions or seasonal or annual variations in environmental conditions that result from causes other than human activities or catastrophic natural events. When one of these wetland types is encountered, the methods described in Part IV, Section G of the 1987 Manual or the state manual should be used.

(13) Types of problem areas. Representative examples of potential problem areas, types of variations that occur, and their effects on wetland indicators are presented in the following subparagraphs. Similar situations may sometimes occur in other wetland types. *Note: This section is not intended to bring nonwetland areas having wetland indicators of two, but not all three, parameters into jurisdiction. This list is not intended to be limiting.*

(a) Wetlands on slopes (seeps) and other glacial features. Slope wetlands can occur in certain glaciated areas in which thin soils cover relatively impermeable unsorted glacial material or till or in which layers of sorted glacial material have different hydraulic conditions that produce a broad zone of ground water seepage. Such areas are seldom, if ever, flooded, but downslope ground water movement keeps the soils saturated for a sufficient portion of the growing season to produce anaerobic and reducing soil conditions. This fosters development of hydric soil characteristics and selects for hydrophytic vegetation. Indicators of wetland hydrology may be lacking during the drier portion of the growing season.

(b) Seasonal wetlands. In Washington, some depression areas have wetland indicators of all three parameters during the wetter portion of the growing season, but normally lack wetland indicators of hydrology and/or vegetation during the drier portion of the growing season. For example, obligate and facultative wetland plant species normally are dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. Also, these areas may be inundated during the wetter portion of the growing season, but wetland hydrology indicators may be totally lacking during the drier portion of the growing season. It is important to establish that an area truly is a water body. Water in a depression normally

must be sufficiently persistent to exhibit an ordinary high-water mark or the presence of wetland characteristics before it can be considered as wetland potentially subject to jurisdiction. The determination that an area exhibits wetland characteristics for a sufficient portion of the growing season to qualify as a wetland must be made on a case-by-case basis. Such determinations should consider the respective length of time that the area exhibits upland and wetland characteristics, and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soil, drainage characteristics, uses to which it has been subjected, and weather or hydrologic records. This situation is common in eastern Washington and parts of western Washington where precipitation is highly seasonal and/or prolonged droughts occur frequently. It is important to become familiar with the types of wetlands found in these areas. In some cases, it may be necessary to withhold making a final wetland determination until a site is examined during the wettest part of the growing season. Consultation with other experienced delineators may be helpful as well.

(c) Vernal wetlands - Although these systems are usually associated with California, Washington does have vernal wetlands, particularly in the region around Spokane. These wetlands are a distinct type of seasonal wetland described above. The hydrology in these wetlands is driven by winter and early spring rain and snowmelt and may be totally lacking by early summer. A wetland plant community grows and reproduces in spring in response to the wet conditions and is replaced by an upland plant community by summer. Attempts to delineate these wetlands in summer or fall may result in a false negative conclusion. In addition, during periods of extended drought, these wetlands may remain dry for several years.

(d) Vegetated flats. In both coastal and interior areas of Washington, vegetated flats are often dominated by annual species that are categorized as OBL. Application of normal sampling procedures during the growing season will clearly result in a positive wetland determination. However, these areas will appear to be unvegetated mudflats when examined during the nongrowing season, and the area would not qualify at that time as a wetland due to an apparent lack of vegetation.

(e) Mollisols (prairie and steppe soils) - Mollisols are dark colored, base-rich soils. They are common in grassland areas of the state, especially in eastern Washington and the prairies of the south Puget Sound basin. These soils typically have deep, dark topsoil layers (mollic epipedons) and low chroma matrix colors to considerable depths. They are rich in organic matter due largely to the vegetation (deep roots) and reworking of the soil and organic matter by earthworms, ants, moles, and rodents. The low chroma colors of mollisols are not necessarily due to prolonged saturation, so be particularly careful in making wetland determinations in these soils. Become familiar with the characteristics of mollisols with aquic moisture regimes, and be able to recognize these from nonhydric mollisols.

(f) Entisols (flood plain and sandy soils) - Entisols are usually young or recently formed soils that have little or no evidence of pedogenically developed horizons. These soils are typical of flood plains throughout Washington, but are

also found in glacial outwash plains, along tidal waters, and in other areas. They include sandy soils of riverine islands, bars, and banks and finer-textured soils of floodplain terraces. Wet entisols have an aquic or peraquic moisture regime and are considered wetland soils. Some entisols are easily recognized as hydric soils such as the sulfaquents of tidal salt marshes, whereas others pose problems because they do not possess typical hydric soil field indicators. Wet sandy entisols (with loamy fine sand and coarser textures in horizons within 20 inches of the surface) may lack sufficient organic matter and clay to develop hydric soil colors. When these soils have a hue between 10YR and 10Y and distinct or prominent mottles present, a chroma of 3 or less is permitted to identify the soil as hydric (i.e., an aquic moisture regime). Also, hydrologic data showing that NTCHS criteria # 3 or # 4 are met are sufficient to verify these soils as hydric.

(g) Red parent material and volcanic ash soils - Hydric mineral soil derived from red parent materials (e.g., weathered clays, Triassic sandstones, and Triassic shales) may lack the low chroma colors characteristic of most hydric mineral soils. In these soils, the hue is redder than 10YR because of parent materials that remain red after citrate-dithionite extraction, so the low chroma requirement for hydric soil is waived. Additionally, some hydric soils in Washington that are influenced by volcanic ash or other volcanic material may not exhibit hydric soil indicators.

(h) Spodosols (evergreen forest soils) - These soils are usually associated with coniferous forests. Spodosols have a gray eluvial E-horizon overlying a diagnostic spodic horizon of accumulated (sometimes weakly cemented) organic matter and aluminum. A process called podzolization is responsible for creating these two soil layers. Organic acids from the leaf litter on the soil surface are moved downward through the soil with rainfall, cleaning the sand grains in the first horizon then coating the sand grains with organic matter and iron oxides in the second layer. Certain vegetation produces organic acids that speed podzolization including western hemlock (*Tsuga heterophylla*), spruces (*Picea* spp.), pine (*Pinus* spp.), larches (*Larix* spp.), and oaks (*Quercus* spp.) (Buol, *et al*, 1980). To the untrained observer, the gray leached layer may be mistaken as a field indicator of hydric soil, but if one looks below the spodic horizon the brighter matrix colors often distinguish nonhydric spodosols from hydric ones. The wet spodosols (formerly called "ground water podzolic soils") usually have thick dark surface horizons, dull gray E-horizons, and low chroma subsoils.

(i) Interdunal swale wetlands - Along the Washington coastline, seasonally wet swales supporting hydrophytic vegetation are located within sand dune complexes on barrier islands and beaches. Some of these swales are inundated or saturated to the surface for considerable periods during the growing season, while others are wet for only the early part of the season. In some cases, swales may be flooded irregularly by the tides. These wetlands have sandy soils that generally lack field indicators of hydric soil. In addition, indicators of wetland hydrology may be absent during the drier part of the growing season. Consequently, these wetlands may be difficult to identify.

(j) Vegetated river bars and adjacent flats - Along streams, particularly in arid and semiarid parts of the state, some river bars and flats may be vegetated by FACU species

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while others may be colonized by wetter species. If these areas are frequently inundated for $\geq 12.5\%$ of the growing season, they are wetlands. The soils often do not reflect the characteristic field indicators of hydric soils, however, and thereby pose delineation problems.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 97-04-076 (Order 96-12), § 173-22-080, filed 2/5/97, effective 3/8/97.]

Chapter 173-24 WAC

TAX EXEMPTIONS AND CREDITS FOR POLLUTION CONTROL FACILITIES

WAC

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173-24-150	Delegation of state responsibilities under federal program.

WAC 173-24-010 Introduction and purpose. Chapter 82.34 RCW provides for tax credits and exemptions for pollution control facilities approved by the appropriate control agency. The purposes of this rule are to:

(1) Establish a procedure for reviewing applications for tax benefits received from the department of revenue for review by the department of ecology; and

(2) Establish criteria for identifying the individual facilities within each application and, for each facility, either:

(a) Approve the facility;

(b) Approve the facility as a "dual purpose pollution control facility"; or

(c) Deny the facility.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-010, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-010, filed 3/14/78; Order DE 70-7, § 173-24-010, filed 8/4/71.]

WAC 173-24-020 Authority. This rule is adopted under the authority granted the director of the department of ecology by RCW 43.21A.080 and 43.21A.090.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-020, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-020, filed 8/4/71.]

WAC 173-24-030 Definitions. Unless a different meaning is plainly required by the context, the following words as used in this chapter have the following meanings:

(1) "Commercial or industrial operation" means the industrial, manufacturing, waste disposal, utility or other commercial establishment operated by an applicant for a certificate under chapter 82.34 RCW.

(2) "Department" means the Washington state department of ecology.

(3) "Dual purpose pollution control facility" or "dual purpose facility" means a facility in which the portion for the purpose of pollution control is so integrated into the total facility with portions for other purposes that separation into identifiable component parts is not possible.

(4) "Facility" means any treatment works, control device, disposal system, machinery, equipment, structure or property for which a certificate is applied for under chapter 82.34 RCW or any physically or conceptually identifiable part or accessory thereof.

(5) "Necessary to the manufacture of products" means that without which manufacture of products at the present or proposed level could not be undertaken.

If the manufacture of products could be undertaken at present levels without a facility, even though the manufacture would be uneconomical or impractical, such a facility is not necessary to the manufacture of products. However, if a commercial or industrial operation is recovering or producing chemicals or heat for use in the manufacturing process at the time it submits an application, then any facilities necessary for production or for recovery of chemicals at present percentage rates will be considered necessary to the manufacture of products.

(6) "Pollution" means "air contaminant" and "air pollution" as defined in RCW 70.94.030, and "pollution" as defined in RCW 90.48.020.

(7) "Products" as used in the phrase, "manufacture of products," includes the item or items which an industrial operation is designed primarily to manufacture or produce.

(8) "Regional or local air pollution control authority" means any local or regional entity or control program considered as an "authority" for the purpose of chapter 70.94 RCW.

(9) "Single purpose facility" means a facility other than a dual purpose facility.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-030, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-030, filed 3/14/78; Order DE 70-7, § 173-24-030, filed 8/4/71.]

WAC 173-24-040 Applications submitted to the department of revenue. Applications filed under RCW 82.34.020 must be submitted to the department of revenue in accordance with that department's requirements. The department of revenue will supply an identifying application number and forward the application to the department or regional or local air pollution control authority, as appropriate, for review under RCW 82.34.030.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-040, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-040, filed 8/4/71.]

WAC 173-24-050 Applications reviewed by the department. The department will review applications for approval of facilities that may be designated "water pollution control facilities" as defined in RCW 82.34.010 (1)(b). The department will also review any application relating to a facility that is not within the jurisdiction of an activated regional or local air pollution control authority, or that is

within any area over which the department has assumed jurisdiction under RCW 70.94.390. The department will also review any application for approval of a facility relating to any air contaminant source subject to rules adopted by the department or its predecessor agencies under RCW 70.94.-395.

The department will, when necessary, advise the department of revenue of the proper agency or agencies to which an application is to be submitted for review.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-050, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-050, filed 8/4/71.]

WAC 173-24-060 Action by the department within thirty days—Request for further information. The department shall, within thirty days of receipt of an application from the department of revenue, make the identification and classification described in WAC 173-24-070 and approval or denial described in WAC 173-24-080, or it shall request further information from the applicant. A copy of any request from the department to the applicant for further information must be transmitted to the department of revenue. The failure of the applicant to supply any additional information requested by the department, without reasonable grounds for such a failure, may result in disapproval of all or part of the application.

The department shall notify the department of revenue, in writing, of its decisions on any application submitted and shall send a copy of the notification to the applicant by certified mail.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-060, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-060, filed 3/14/78; Order DE 70-7, § 173-24-060, filed 8/4/71.]

WAC 173-24-070 Identification and classification of facilities. The department will review each application to determine whether the facility is a single, integrated facility, or can be separated, either physically or conceptually, into identifiable component parts. Each component part must be considered as a separate facility for the purpose of the department's review of the application. The department will identify all those facilities within each application.

For each facility identified, the department shall classify it as a "dual purpose facility" or a "single purpose facility."

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-070, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-070, filed 3/14/78; Order DE 70-7, § 173-24-070, filed 8/4/71.]

WAC 173-24-080 Approval of a facility. The department shall approve any facility when:

(1) It was installed or intended to be installed for the primary purpose of pollution control, and;

(2) When it is operated or intended to be operated primarily for the purpose of pollution control, and;

(3) When it is suitable, reasonably adequate, and meets the intent and purposes of chapter 70.94 or 90.48 RCW;

If the facility does not meet these criteria, it must be denied.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-080, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-080, filed 3/14/78; Order DE 70-7, § 173-24-080, filed 8/4/71.]

WAC 173-24-090 Installation for the purpose of pollution control. A facility will be considered to be installed or intended to be installed for the primary purpose of pollution control when:

(1) It was installed or intended to be installed in response to a requirement of the department or a regional or local air pollution control authority contained in a permit, order, or rule that applies to the particular industry or commercial establishment in question, and such a facility meets or exceeds the requirements of such a permit, order, or rule; and

(2) It was installed in conformance with a requirement developed under chapter 90.48 or 70.94 RCW and not under some other statute administered by the department such as, for example, chapter 70.95 or 70.105 RCW.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-090, filed 9/22/00, effective 10/23/00. Statutory Authority: Chapter 82.34 RCW, RCW 43.21A.080, and 43.21A.090. 80-15-020 (Order DE 80-33), § 173-24-090, filed 10/7/80; Order DE 70-7, § 173-24-090, filed 8/4/71.]

WAC 173-24-100 Operation for the purpose of pollution control. A facility is operated or intended to be operated primarily for the purpose of pollution control when:

(1) The emissions or effluents from the commercial or industrial operation do or will contain measurably less pollution with the facility installed than they would without the facility installed, and;

(2) For a facility, other than a dual purpose facility, it is not necessary to the manufacture of products.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-100, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-100, filed 3/14/78; Order DE 70-7, § 173-24-100, filed 8/4/71.]

WAC 173-24-110 Meeting the intent and purposes of chapters 70.94 and 90.48 RCW. A facility is suitable, reasonably adequate, and meets the intent and purposes of chapters 70.94 and 90.48 RCW, when:

(1) Normal operation of the particular commercial or industrial operation with the facility installed will not be in violation of any provision of chapter 70.94 or 90.48 RCW and;

(2) Such an operation will meet the requirements of any applicable permits, orders, rules or standards of the department or a regional or local air pollution control authority.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-110, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-110, filed 3/14/78; Order DE 70-7, § 173-24-110, filed 8/4/71.]

WAC 173-24-120 Treatment before connection to utilities. Any facility designed for the primary purpose of reducing, controlling, disposing of, or treating industrial or commercial wastes before the ultimate conveyance thereof to the waste collecting facilities of public or privately owned

utilities must be approved if it satisfies the requirements set forth in this chapter. However, any facility installed or constructed for the primary purpose of connecting any commercial establishment with the waste collecting facilities of public or privately owned utilities may not be eligible for approval.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-120, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-120, filed 8/4/71.]

WAC 173-24-125 Revision of prior findings. On its own initiative or in compliance with the local or regional air pollution control agency in which an air pollution control facility is located, the department may revise the prior findings of the appropriate control agency whenever it appears that any of the conditions listed in RCW 82.34.100 (1) or (2) have been met or when the department determines that the prior determination had been made in error.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-125, filed 9/22/00, effective 10/23/00. Statutory Authority: Chapter 82.34 RCW, RCW 43.21A.080, and 43.21A.090. 80-15-020 (Order DE 80-33), § 173-24-125, filed 10/7/80.]

WAC 173-24-130 Administrative appeal of department decision. The approval or disapproval by the department under RCW 82.34.030 of any application, or any revision of prior findings by the department under RCW 82.34.100 shall constitute a decision of the department subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW. Any aggrieved party may appeal any decision in accordance with the rules of the pollution control hearings board no later than thirty days after receipt of written notice thereof.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-130, filed 9/22/00, effective 10/23/00; Order DE 70-7, § 173-24-130, filed 8/4/71.]

WAC 173-24-140 Delegation. The powers, duties, and functions vested in the department by chapter 82.34 RCW, will be performed by the deputy director of the department or his or her delegate.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-140, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-140, filed 3/14/78; Order DE 70-7, § 173-24-140, filed 8/4/71.]

WAC 173-24-150 Delegation of state responsibilities under federal program. The functions of the "state certifying authority" for the federal tax credit program for pollution control facilities must be performed by the deputy director of the department or his or her delegate.

[Statutory Authority: Chapter 82.34 RCW. 00-20-009 (Order 00-20), § 173-24-150, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 43.21A.080 and 43.21A.090 and chapter 82.34 RCW. 78-04-015 (Order DE 78-2), § 173-24-150, filed 3/14/78; Order DE 70-7, § 173-24-150, filed 8/4/71.]

Chapter 173-26 WAC
STATE MASTER PROGRAM
APPROVAL/AMENDMENT PROCEDURES AND
MASTER PROGRAM GUIDELINES

WAC

173-26-010	Authority and purpose.		Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-020	Definitions.	173-26-190	Master program contents. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-190, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
	PART I STATE MASTER PROGRAM	173-26-200	Comprehensive process to prepare or amend shoreline master programs. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-200, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-030	Master programs required—State master program contents.		
173-26-040	Master programs required—Unlisted local governments.		
173-26-050	State master program register—Maintained by department.	173-26-210	Environment designation system. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-210, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-060	State master program—Complete record maintained by department.		
173-26-070	Adoption of shoreline master programs by rule—Department action.		
173-26-080	Master programs required of local governments.	173-26-220	General master program provisions. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-220, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
	PART II SHORELINE MASTER PROGRAM APPROVAL/AMENDMENT DRAFT REVIEW:	173-26-230	Shoreline modifications. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-230, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-090	Periodic review—Public involvement encouraged—Amendment of comprehensive plans, development regulations and master programs.		
173-26-100	Local process for approving/amending shoreline master programs.		
173-26-110	Submittal to department of proposed master programs/amendments.	173-26-240	Shoreline uses. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-240, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-120	State process for approving/amending shoreline master programs.		
173-26-130	Appeal procedures for master programs.		
173-26-140	Shoreline master program administrative interpretation.		
173-26-150	Local government annexation—Shoreline environment predesignation in planning jurisdictions.	173-26-250	Shorelines of statewide significance. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-250, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-160	Local government annexation.		
	PART III GUIDELINES	173-26-270	Purpose of Part IV. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-270, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-171	Authority, purpose and effects of guidelines.		
173-26-176	General policy goals of the act and guidelines for shorelines of the state.		
173-26-181	Special policy goals of the act and guidelines for shorelines of statewide significance.		
173-26-186	Governing principles of the guidelines.		
173-26-191	Master program contents.	173-26-280	Applicability of Part IV. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-280, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-201	Comprehensive process to prepare or amend shoreline master programs.		
173-26-211	Environment designation system.	173-26-290	Master program contents. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-290, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-221	General master program provisions.		
173-26-231	Shoreline modifications.		
173-26-241	Shoreline uses.		
173-26-251	Shorelines of statewide significance.		
	PART IV OCEAN MANAGEMENT	173-26-300	Comprehensive process to prepare or amend shoreline master programs. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-300, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-360	Ocean management.		
	DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER	173-26-310	Environment designation system. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-310, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-105	Review by ecology under Part III—Election by local governments of intent to develop pursuant to Part IV. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-105, filed 11/29/00, effective 12/30/00.] Repealed by 04-10-068 (Order 04-04), filed 5/3/04, effective 6/3/04. Statutory Authority: RCW 90.58.060 and 90.58.200.		
173-26-170	Purpose of Part III. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-170, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.	173-26-320	General master program provisions. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-320, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
173-26-180	Applicability of Part III. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-180, filed 11/29/00, effective 12/30/00.]		

- 173-26-330 Shoreline modifications. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-330, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
- 173-26-340 Shoreline uses. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-340, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.
- 173-26-350 Shorelines of statewide significance. [Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), § 173-26-350, filed 11/29/00, effective 12/30/00.] Repealed by 04-01-117 (Order 03-02), filed 12/17/03, effective 1/17/04. Statutory Authority: RCW 90.58.060 and 90.58.200.

WAC 173-26-010 Authority and purpose. The provisions of this chapter implement the requirements of chapter 90.58 RCW, the Shoreline Management Act of 1971. RCW 90.58.200 authorizes the adoption of rules by the department as necessary and appropriate to carry out the provisions of the act. RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for regulation of uses on shorelines of the state. Such local programs should be integrated with other local government systems for administration and enforcement of land use regulations. RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the local comprehensive plan required by the Growth Management Act. All other portions of the local shoreline master program, including the use regulations, are considered a part of the local development regulations required by the Growth Management Act.

This chapter is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to be a cooperative program between local government and the state. It is the intent of this chapter to provide minimum procedural requirements as necessary to comply with the statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances.

Pursuant to the Shoreline Management Act, the department must approve master programs prepared by local governments or adopt them by rule consistent with the act. In order to facilitate this process, Part I of this chapter establishes a recordkeeping system for the department and defines the contents of the state master program. Part II sets forth procedures for approving and adopting master programs and amendments thereto. Part III comprises the guidelines pursuant to RCW 90.58.060 and provides guidance for developing the content of shoreline master programs. Part IV - addresses the requirements of the state Ocean Resources Management Act.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-010, filed 12/17/03, effective 1/17/04; 00-24-031 (Order 95-17a), § 173-26-010, filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-010, filed 9/30/96, effective 10/31/96.]

WAC 173-26-020 Definitions. In addition to the definitions and concepts set forth in RCW 90.58.030, as amended, and the other implementing rules for the SMA, as used

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herein, the following words and phrases shall have the following meanings:

(1) "Act" means the Washington State Shoreline Management Act, chapter 90.58 RCW.

(2) "Adoption by rule" means an official action by the department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

(3)(a) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

(b) "Agricultural products" includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products;

(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to:

(i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;

(ii) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

(iii) Farm residences and associated equipment, lands, and facilities; and

(iv) Roadside stands and on-farm markets for marketing fruit or vegetables; and

(d) "Agricultural land" means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

(4) "Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

(5) "Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

(6) "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

(7) "Department" means the state department of ecology.

(8) "Development regulations" means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

(9) "Document of record" means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

(10) "Drift cell," "drift sector," or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

(11) "Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200 (2)(c).

(12) "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

(13) "Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

(14) "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

(15) "Flood plain" is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

(16) "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

(17) "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

(18) "Guidelines" means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

(19) "Local government" means any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW.

(20) "Marine" means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

(21) "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

(22) "Must" means a mandate; the action is required.

(23) "Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

(24) "Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;

- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

(25) "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

(26) "Provisions" means policies, regulations, standards, guideline criteria or environment designations.

(27) "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

(28) "Shall" means a mandate; the action must be done.

(29) "Shoreline areas" and "shoreline jurisdiction" means all "shoreslines of the state" and "shorelands" as defined in RCW 90.58.030.

(30) "Shoreline master program" or "master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(31) "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

(32) "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

(33) "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

(34) "State master program" means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

(35) "Substantially degrade" means to cause significant ecological impact.

(36) "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

(37) "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

(38) "Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

(39) "Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-

related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

(40) "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-020, filed 12/17/03, effective 1/17/04; 00-24-031 (Order 95-17a), § 173-26-020, filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-020, filed 9/30/96, effective 10/31/96.]

PART I STATE MASTER PROGRAM

WAC 173-26-030 Master programs required—State master program contents. (1) Chapter 90.58 RCW requires all local governments with shorelines of the state within their boundaries to develop and administer a shoreline master program. The state master program is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department, together with any changes pursuant to WAC 173-26-040. Local governments which are required to develop and administer shoreline master programs are listed in WAC 173-26-080.

(2) All shoreline master programs adopted by reference in chapter 173-19 WAC existing as of the effective date of this chapter, remain in full force and effect and continue to be considered part of the state master program, as defined herein.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-030, filed 9/30/96, effective 10/31/96.]

WAC 173-26-040 Master programs required—Unlisted local governments. The department shall periodically update the list of local governments contained in WAC 173-26-080. When as a result of annexation, municipal incorporation, or change in shoreline jurisdiction, a city or town with shorelines of the state within its boundaries is not listed, such local government is required to develop and administer a shoreline master program pursuant to chapter 90.58 RCW and this chapter.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-040, filed 9/30/96, effective 10/31/96.]

WAC 173-26-050 State master program register—Maintained by department. The department shall prepare and maintain an official state master program register identi-

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fying original department adoption dates and the effective dates of subsequent amendments approved or adopted by the department for each local government shoreline master program. The master program register shall be available for public viewing and inspection during normal business hours at the headquarters of the department. Copies of the register shall be available from the department at the expense of the requesting party. The department shall keep the register current, incorporating master program adoption and amendment dates as they occur.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-050, filed 9/30/96, effective 10/31/96.]

WAC 173-26-060 State master program—Complete record maintained by department. The department shall maintain records for all master programs and subsequent amendments thereto. Master program records shall be organized consistent with the state master program register and shall be available for public viewing and inspection during normal business hours at the headquarters of the department.

The department shall maintain a record of each master program, the action taken by the department on any proposed master program or amendment, and any appeal of the department's action. Such records should be maintained in two groups of files as follows:

(1) Shoreline master program working files corresponding to each proposed master program or amendment containing, where applicable:

- (a) Initial submittal from local government;
- (b) Record of notice to the public, interested parties, agencies and tribes;
- (c) Staff reports, analysis and recommendations;
- (d) Pertinent correspondence between local government and the department;
- (e) The department's letter denying, approving as submitted or approving alternatives together with findings and conclusions and amended text and/or maps;
- (f) Documents related to any appeal of the department's action on the amendment;
- (g) Supplemental materials including:
 - (i) Interested party mailing list;
 - (ii) Comment letters and exhibits from federal, state, local, and tribal agencies;
 - (iii) Comment letters and exhibits from the general public;
 - (iv) Recorded tapes and/or a summary of hearing oral testimony;
 - (v) A concise explanatory statement, if adopted by rule.

(2) State master program files, containing the master program currently in effect, with all text and map amendments incorporated, constituting the official state master program approved document of record.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-060, filed 9/30/96, effective 10/31/96.]

WAC 173-26-070 Adoption of shoreline master programs by rule—Department action. (1) The department may adopt a shoreline master program by rule in the following circumstances:

(a) Pursuant to RCW 90.58.070(2), when a local government fails to approve a master program relating to shorelines

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of the state within its jurisdiction in accordance with the time schedule provided for in RCW 90.58.080, the department shall carry out the requirements of RCW 90.58.080 and adopt by rule a master program for shorelines of the state within the jurisdiction of the local government. The department has adopted by rule a master program for shorelines of the state within the jurisdiction of those local governments listed in subsection (2) of this section;

(b) Pursuant to RCW 90.58.090(4), when the department determines that those parts of a master program relating to shorelines of statewide significance do not provide for optimum implementation of the policy of chapter 90.58 RCW to satisfy the statewide interest, the department may develop and adopt by rule an alternative to the local government's master program proposal. The department has adopted by rule an alternative master program for shorelines of statewide significance within the jurisdiction of those local governments listed in subsection (2) of this section.

(2) As set forth in subsection (1)(a) and (b) of this section, the department has adopted by rule a master program, alternative master program or portion thereof for the local governments listed below. This listing shall be updated periodically so as to remove reference to local governments who have complied with the requirements of chapter 90.58 RCW and this chapter, having prepared and submitted a shoreline master program that has been approved by the department.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-070, filed 9/30/96, effective 10/31/96.]

WAC 173-26-080 Master programs required of local governments. The following local governments, listed alphabetically by county, are required to develop and administer a shoreline master program:

Adams County.

Asotin County.

Asotin, city of.
Clarkston, city of.

Benton County.

Benton City, city of.
Kennewick, city of.
Prosser, city of.
Richland, city of.
West Richland, city of.

Chelan County.

Cashmere, city of.
Chelan, city of.
Entiat, town of.
Leavenworth, city of.
Wenatchee, city of.

Clallam County.

Forks, city of.
Port Angeles, city of.
Sequim, city of.

Clark County.

Camas, city of.
LaCenter, town of.
Ridgefield, town of.

Vancouver, city of.
Washougal, city of.
Woodland, city of.

Columbia County.

Dayton, city of.
Starbuck, town of.

Cowlitz County.

Castle Rock, city of.
Kalama, city of.
Kelso, city of.
Longview, city of.
Woodland, city of.

Douglas County.

Bridgeport, town of.
Coulee Dam, city of.
East Wenatchee, city of.
Rock Island, town of.

Ferry County.

Republic, town of.

Franklin County.

Pasco, city of.

Garfield County.

Grant County.

Coulee City, city of.
Coulee Dam, city of.
Electric City, city of.
Grand Coulee, city of.
Krupp, town of.
Moses Lake, city of.
Soap Lake, city of.
Wilson Creek, town of.

Grays Harbor County.

Aberdeen, city of.
Cosmopolis, city of.
Elma, city of.
Hoquiam, city of.
Montesano, city of.
Oakville, city of.
Ocean Shores, city of.
Westport, city of.

Island County.

Coupeville, town of.
Langley, city of.
Oak Harbor, city of.

Jefferson County.

Port Townsend, city of.

King County.

Auburn, city of.
Beaux Arts Village, town of.
Bellevue, city of.
Black Diamond, city of.
Bothell, city of.
Burien, city of.
Carnation, town of.
Des Moines, city of.

Duvall, city of.	Pateros, town of.
Federal Way, city of.	Riverside, town of.
Hunts Point, town of.	Tonasket, town of.
Issaquah, city of.	Twisp, town of.
Kent, city of.	Winthrop, town of.
Kirkland, city of.	
Lake Forest Park, city of.	Pacific County.
Medina, city of.	Ilwaco, town of.
Mercer Island, city of.	Long Beach, town of.
Milton, city of.	Raymond, city of.
Newcastle, city of.	South Bend, city of.
Normandy Park, city of.	
North Bend, city of.	Pend Oreille County.
Pacific, city of.	Cusick, town of.
Redmond, city of.	Ione, town of.
Renton, city of.	Metline, town of.
Sea-Tac, city of.	Metline Falls, town of.
Seattle, city of.	Newport, city of.
Shoreline, city of.	
Skykomish, town of.	Pierce County.
Snoqualmie, city of.	Bonney Lake, city of.
Tukwila, city of.	Buckley, city of.
Woodinville, city of.	Dupont, city of.
Yarrow Point, town of.	Eatonville, town of.
	Fife, city of.
Kitsap County.	Gig Harbor, city of.
Bremerton, city of.	Lakewood, city of.
Port Orchard, city of.	Milton, city of.
Poulsbo, city of.	Orting, city of.
Bainbridge Island, city of.	Pacific, city of.
	Puyallup, city of.
Kittitas County.	Roy, city of.
Cle Elum, city of.	Ruston, town of.
Ellensburg, city of.	South Prairie, town of.
South Cle Elum, town of.	Steilacoom, town of.
	Sumner, city of.
Klickitat County.	Tacoma, city of.
Bingen, town of.	University Place, city of.
Goldendale, city of.	Wilkeson, town of.
White Salmon, town of.	
	San Juan County.
Lewis County.	Friday Harbor, town of.
Centralia, city of.	
Chehalis, city of.	Skagit County.
Morton, city of.	Anacortes, city of.
Pe Ell, town of.	Burlington, city of.
Toledo, city of.	Concrete, town of.
Vader, city of.	Hamilton, town of.
Winlock, city of.	La Conner, town of.
	Lyman, town of.
Lincoln County.	Mount Vernon, city of.
Odessa, town of.	Sedro Woolley, city of.
Sprague, city of.	
	Skamania County.
Mason County.	North Bonneville, city of.
Shelton, city of.	Stevenson, town of.
Okanogan County.	Snohomish County.
Brewster, town of.	Arlington, city of.
Conconully, town of.	Bothell, city of.
Coulee Dam, city of.	Brier, city of.
Okanogan, city of.	Edmonds, city of.
Omak, city of.	Everett, city of.
Oroville, town of.	Gold Bar, town of.

Granite Falls, town of.
 Index, town of.
 Lake Stevens, city of.
 Marysville, city of.
 Monroe, city of.
 Mountlake Terrace, city of.
 Mukilteo, city of.
 Snohomish, city of.
 Stanwood, city of.
 Sultan, town of.
 Woodway, town of.

Spokane County.
 Latah, town of.
 Medical Lake, town of.
 Millwood, town of.
 Rockford, town of.
 Spokane, city of.
 Waverly, town of.

Stevens County.
 Chewelah, city of.
 Northport, town of.

Thurston County.
 Bucoda, town of.
 Lacey, city of.
 Olympia, city of.
 Tenino, town of.
 Tumwater, city of.
 Yelm, town of.

Wahkiakum County.
 Cathlamet, town of.

Walla Walla County.
 Waitsburg, town of.
 Walla Walla, city of.

Whatcom County.
 Bellingham, city of.
 Blaine, city of.
 Everson, city of.
 Ferndale, city of.
 Lynden, city of.
 Nooksack, city of.
 Sumas, city of.

Whitman County.
 Albion, town of.
 Colfax, city of.
 Malden, town of.
 Palouse, city of.
 Pullman, city of.
 Rosalia, town of.
 Tekoa, city of.

Yakima County.
 Grandview, city of.
 Granger, town of.
 Naches, town of.
 Selah, city of.
 Union Gap, city of.
 Yakima, city of.

Zillah, city of.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-080, filed 9/30/96, effective 10/31/96.]

PART II SHORELINE MASTER PROGRAM APPROVAL/AMENDMENT

DRAFT REVIEW:

WAC 173-26-090 Periodic review—Public involvement encouraged—Amendment of comprehensive plans, development regulations and master programs. Each local government should periodically review a shoreline master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information or improved data. Each local government shall also review any master program under its jurisdiction and make amendments to the master program necessary to comply with the requirements of RCW 90.58.-080 and any applicable guidelines issued by the department. When the amendment is consistent with chapter 90.58 RCW and its applicable guidelines, it may be approved by local government and the department or adopted by rule when appropriate by the department.

In developing master programs and amendments thereto, the department and local governments, pursuant to RCW 90.58.130 shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter 36.70A RCW, shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW 36.70A.130. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-090, filed 9/30/96, effective 10/31/96.]

WAC 173-26-100 Local process for approving/amending shoreline master programs. Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be

implemented that insure early and continuous public participation consistent with WAC 365-195-600.

At a minimum, local government shall:

(1) Conduct at least one public hearing to consider the draft proposal;

(2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:

(a) Reference to the authority(s) under which the action(s) is proposed;

(b) A statement or summary of the proposed changes to the master program;

(c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and

(d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;

(3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;

(4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;

(5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW 36.70A.106;

(6) Comply with chapter 43.21C RCW, the State Environmental Policy Act; and

(7) Approve the proposal.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-100, filed 9/30/96, effective 10/31/96.]

WAC 173-26-110 Submittal to department of proposed master programs/amendments. A master program or amendment proposed by local government shall be submitted to the department for its review and formal action. A complete submittal shall include two copies of the following, where applicable:

(1) Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government;

(2) If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. At the discretion of the department, strikeouts and underlined text may not be required provided the new or

deleted portions of the master program are clearly identifiable;

(3) Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. Environment designation maps shall include a scale and north arrow and shall be of standard size using distinct reproducible noncolor patterns. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;

(4) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program;

(5) Evidence of compliance with chapter 43.21C RCW, the State Environmental Policy Act, specific to the proposal;

(6) Copies of all public, agency and tribal comments received, including a record of names and addresses of interested parties involved in the local government review process or, where no comments have been received, a comment to that effect.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-110, filed 9/30/96, effective 10/31/96.]

WAC 173-26-120 State process for approving/amending shoreline master programs. Review and approval of master programs and amendments by the department shall follow the procedures set forth below:

FORMAL REVIEW:

(1) The department shall review the submitted master program or amendment for compliance with WAC 173-26-100 and 173-26-110. The department shall notify the local government in writing when it determines that a complete submittal has been received. If the submittal is determined to be incomplete, the department will identify the deficiencies and so notify the local government in writing. The review process will not commence until the department determines the submittal is complete.

(2) The department shall provide reasonable notice and opportunity for written comment to all parties of record who expressed interest regarding the local government proposal and to all persons, groups, agencies, and tribes that have requested in writing notice of proposed master programs or amendments generally or for a specific subject matter. The comment period shall be at least thirty days, unless the department determines that a lack of complexity or controversy surrounding the proposal supports a shorter period.

(3) For master program or amendment proposals involving local governments planning under chapter 36.70A RCW, the department shall provide notice to the department of community, trade, and economic development of its intent to commence formal review of the local government proposal.

(4) At the department's discretion, it may conduct a public hearing during the comment period in the jurisdiction proposing the master program or amendment.

(5) If the department conducts a hearing pursuant to subsection (4) of this section, it shall publish notice of the hearing in at least one newspaper of general circulation in the area affected by the master program. The public notice shall include:

(a) A description of the proposed master program or amendment;

(b) Reference to the authority under which the action is proposed;

(c) The dates, times, and locations of the public hearing, and the manner in which interested persons may obtain copies of the proposal and present their views.

For master program or amendment proposals involving adoption by rule, the notice of the hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(6) Within fifteen days after the close of the department's public comment period, the department shall request of the local government submitting the proposal a review of the issues if any, identified by the public, interested parties, groups, agencies, and tribes, and a written response as to how the proposal addresses the identified issues consistent with the policy of RCW 90.58.020 and the applicable guidelines. Local government shall submit its response to the department within forty-five days of the date of the department's letter requesting a response. If no response is received by the department within the forty-five-day period, the department may proceed with action on the proposal according to subsection (7) of this section. Within the forty-five-day period, the local government may request in writing additional time to prepare a response.

APPROVAL:

(7) Within thirty days after receipt of the local government written response pursuant to subsection (6) of this section, the department shall make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in subsection (6) of this section and either approve the proposal as submitted, recommend specific changes necessary to make the proposal consistent with chapter 90.58 RCW policy and its applicable guidelines, or deny the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested parties, tribes, and agencies of record on the proposal.

In reaching its determination of consistency with the policy of RCW 90.58.020 and the applicable guidelines, the department shall approve those parts of a master program relating to shorelines unless it determines that the submitted parts are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. The department shall approve those parts of a master program relating to shorelines of statewide significance only after determining the program provides for optimum implementation of the statewide interest as set forth in the policy of RCW 90.58.020 and the applicable guidelines.

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(a) In cases where the proposal is approved as submitted, the effective date of the approved master program or amendment shall be the date of the department's letter to local government approving the submitted master program or amendments.

(b) If the department recommends changes to the proposal, within thirty days after the department mails the written findings and conclusions to the local government pursuant to this subsection (7), the local government may:

(i) Agree to the proposed changes. Receipt by the department of the written notice of agreement from the local government shall constitute final action by the department approving the revised submittal. Written notice of the local government acceptance shall be provided by the department to all parties of record. In such cases, the effective date of the approved master program or amendment is the date the department receives from local government the written notice of agreement; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally proposed by the department in this subsection (7) and with the policy of RCW 90.58.020 and the applicable guidelines, it shall approve the alternative changes and provide written notice to all parties of record. In such cases, the effective date of the approved master program or amendments is the date of the department's letter to local government approving the alternative proposal.

If the department determines the alternative proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may either deny the alternative proposal or at the request of local government start anew with the review and approval process beginning at WAC 173-26-120.

(8) A master program or amendment thereto takes effect when and in such form as it is approved or adopted by rule by the department except when appealed to the shorelines board as provided for in RCW 90.58.190(4) for local governments not planning under chapter 36.70A RCW. The department's approved document of record, filed at the department, constitutes the official master program.

(9) For local governments planning under chapter 36.70A RCW, after final action by the department on a local government's shoreline master program or amendment the local government shall (pursuant to RCW 90.58.090) promptly publish a notice that the department has taken final action on the master program or amendment. For purposes of this section, the date of publication for the master program adoption or amendment shall be the date on which the local government publishes the notice that the department has taken final action on the master program or amendment.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-120, filed 9/30/96, effective 10/31/96.]

WAC 173-26-130 Appeal procedures for master programs. (1) For local governments planning under chapter 36.70A RCW, the growth management hearings board with jurisdiction shall hear and make determinations regarding the department's decision to approve, adopt by rule, or deny a proposed master program or amendment. All petitions for review shall be filed within sixty days after publication of

notice by the local government of the department's final action pursuant to WAC 173-26-120(9).

(2) For local governments not planning under chapter 36.70A RCW, all petitions for review shall be filed with the state shorelines hearings board within thirty days of the written decision by the department approving or denying the master program or amendment.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-130, filed 9/30/96, effective 10/31/96.]

WAC 173-26-140 Shoreline master program administrative interpretation. As required by RCW 36.70B.110 (11), each local government planning under chapter 36.70A RCW shall adopt procedures for administrative interpretation of its development regulations, which include shoreline master programs. When developing and adopting procedures for administrative interpretation of its shoreline master program, local government shall include provisions requiring consultation with the department to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-140, filed 9/30/96, effective 10/31/96.]

WAC 173-26-150 Local government annexation—Shoreline environment predesignation in planning jurisdictions. Cities and towns planning under the Growth Management Act, chapter 36.70A RCW, may within adopted urban growth areas predesignate environments on shorelines located outside of existing city boundaries. Shoreline environment predesignations shall be consistent with the policy of chapters 36.70A and 90.58 RCW and their applicable guidelines and rules.

Such predesignation shall be conducted under a city's or town's authority to plan for growth within adopted urban growth areas.

Environment predesignations shall be approved by the department according to the procedures set forth in this chapter for amendment of a shoreline master program. No additional procedures are required by the department at the time of annexation. The shoreline environment designation for a predesignated shoreline area shall take effect concurrent with annexation.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-150, filed 9/30/96, effective 10/31/96.]

WAC 173-26-160 Local government annexation. Except as provided in WAC 173-26-150, in the event of annexation of a shoreline of the state, the local government assuming jurisdiction shall notify the department of such annexation and develop or amend a master program to include the annexed area. Such master program development or amendment shall be consistent with the policy of RCW 90.58.020 and the applicable guidelines and shall be submitted to the department for approval no later than one year from the effective date of annexation.

Until a new or amended master program is adopted by the department, any decision on an application for a shoreline permit in the annexed shoreline area shall be based upon

compliance with the master program in effect for the area prior to annexation.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-160, filed 9/30/96, effective 10/31/96.]

PART III GUIDELINES

WAC 173-26-171 Authority, purpose and effects of guidelines. (1) **Authority.** RCW 90.58.090 authorizes and directs the department to adopt "guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100" for development of local master programs for regulation of the uses of "shorelines" and "shorelines of statewide significance." RCW 90.58.200 authorizes the department and local governments "to adopt such rules as are necessary and appropriate to carry out the provisions of" the Shoreline Management Act.

(2) **Purpose.** The general purpose of the guidelines is to implement the "cooperative program of shoreline management between local government and the state." Local government shall have the primary responsibility for initiating the planning required by the Shoreline Management Act and "administering the regulatory program consistent with the policy and provisions" of the act. "The department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and insuring compliance with the policy and provisions" of the act. RCW 90.58.050.

In keeping with the relationship between state and local governments prescribed by the act, the guidelines have three specific purposes: To assist local governments in developing master programs; to serve as standards for the regulation of shoreline development in the absence of a master program along with the policy and provisions of the act and, to be used along with the policy of RCW 90.58.020, as criteria for state review of local master programs under RCW 90.58.090.

(3) **Effect.**

(a) The guidelines are guiding parameters, standards, and review criteria for local master programs. The guidelines allow local governments substantial discretion to adopt master programs reflecting local circumstances and other local regulatory and nonregulatory programs related to the policy goals of shoreline management as provided in the policy statements of RCW 90.58.020, WAC 173-26-176 and 173-26-181. The policy of RCW 90.58.020 and these guidelines constitute standards and criteria to be used by the department in reviewing the adoption and amendment of local master programs under RCW 90.58.090 and by the growth management hearings board and shorelines hearings board adjudicating appeals of department decisions to approve, reject, or modify proposed master programs and amendments under RCW 90.58.190.

(b) Under RCW 90.58.340, the guidelines, along with the policy of the act and the master programs, also shall be standards of review and criteria to be used by state agencies, counties, and public and municipal corporations in determining whether the use of lands under their respective jurisdictions adjacent to the shorelines of the state are subject to planning policies consistent with the policies and regulations applicable to shorelines of the state.

(c) The guidelines do not regulate development on shorelines of the state in counties and cities where approved master programs are in effect. In local jurisdictions without approved master programs, development on the shorelines of the state must be consistent with the policy of RCW 90.58.020 and the applicable guidelines under RCW 90.58.140.

(d) As provided in RCW 90.58.060, the department is charged with periodic review and update of these guidelines to address technical and procedural issues that arise as from the review of shoreline master programs (SMPs) as well as compliance of the guidelines with statutory provisions. As a part of this process, ecology will compile information concerning the effectiveness and efficiency of these guidelines and the master programs adopted pursuant thereto with regard to accomplishment of the policies of the Shoreline Management Act and the corresponding principles and specific requirements set forth in these guidelines.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-171, filed 12/17/03, effective 1/17/04.]

WAC 173-26-176 General policy goals of the act and guidelines for shorelines of the state. (1) The guidelines are designed to assist local governments in developing, adopting, and amending master programs that are consistent with the policy and provisions of the act. Thus, the policy goals of the act are the policy goals of the guidelines. The policy goals of the act are derived from the policy statement of RCW 90.58.020 and the description of the elements to be included in master programs under RCW 90.58.100.

(2) The policy goals for the management of shorelines harbor potential for conflict. The act recognizes that the shorelines and the waters they encompass are "among the most valuable and fragile" of the state's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research and education. They are fragile because they depend upon balanced physical, biological, and chemical systems that may be adversely altered by natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods) and human conduct (industrial, commercial, residential, recreation, navigational). Unbridled use of shorelines ultimately could destroy their utility and value. The prohibition of all use of shorelines also could eliminate their human utility and value. Thus, the policy goals of the act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state. The act calls for the accommodation of "all reasonable and appropriate uses" consistent with "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life" and consistent with "public rights of navigation." The act's policy of achieving both shoreline utilization and protection is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water." RCW 90.58.020.

(3) The act's policy of protecting ecological functions, fostering reasonable utilization and maintaining the public right of navigation and corollary uses encompasses the following general policy goals for shorelines of the state. The

statement of each policy goal is followed by the statutory language from which the policy goal is derived.

(a) The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use.

RCW 90.58.020:

"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration and preservation."

"It is the policy of the state to provide for the management of the shorelines by planning for and fostering all reasonable and appropriate uses."

"Uses shall be preferred which are . . . unique to or dependent upon use of the state's shoreline."

"Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state."

RCW 90.58.100:

"(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state; . . .

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shorelines use element.

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land; . . ."

(b) The utilization of shorelines and the waters they encompass for public access and recreation.

RCW 90.58.020:

"The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for . . . development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."

RCW 90.58.100:

"(2) The master programs shall include, when appropriate, the following:

(b) *A public access element making provisions for public access to publicly owned areas;*

(c) *A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;. . ."*

"(4) *Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same."*

(c) Protection and restoration of the ecological functions of shoreline natural resources.

RCW 90.58.020:

"*The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization protection, restoration, and preservation."*

"*This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. . ."*

"*To this end uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment."*

"*Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area. . ."*

RCW 90.58.100:

"(2) *The master programs shall include, when appropriate, the following:*

(f) *A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;*

(g) *An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;. . ."*

(d) Protection of the public right of navigation and corollary uses of waters of the state.

RCW 90.58.020:

"*This policy contemplates protecting. . .generally public rights of navigation and corollary rights incidental thereto."*

"*Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical,. . .any interference with the public's use of the water."*

(e) The protection and restoration of buildings and sites having historic, cultural and educational value.

RCW 90.58.100:

"(2) *The master programs shall include, when appropriate, the following:*

(g) *An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;. . ."*

(f) Planning for public facilities and utilities correlated with other shorelines uses.

RCW 90.58.100:

"(2) *The master programs shall include, when appropriate, the following:*

(d) *A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element."*

(g) Prevention and minimization of flood damages.

RCW 90.58.100:

"(2) *The master programs shall include, when appropriate, the following:*

(h) *An element that gives consideration to the statewide interest in the prevention and minimization of flood damages."*

(h) Recognizing and protecting private property rights.

RCW 90.58.020:

"*The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership;. . .and, therefore coordinated planning is necessary. . .while, at the same time, recognizing and protecting private rights consistent with the public interest."*

(i) Preferential accommodation of single-family uses.

RCW 90.58.020:

"*Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures. . ."*

RCW 90.58.100:

"(6) *Each master program shall contain standards governing the protection of single-family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single-family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single-family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment."*

(j) Coordination of shoreline management with other relevant local, state, and federal programs.

RCW 90.58.020:

"*In addition. . ." the legislature ". . .finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state."*

"*. . .and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state. . ."*

"*There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."*

RCW 90.58.100:

"In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered."

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-176, filed 12/17/03, effective 1/17/04.]

WAC 173-26-181 Special policy goals of the act and guidelines for shorelines of statewide significance. In accordance with RCW 90.58.020, the "department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-181, filed 12/17/03, effective 1/17/04.]

WAC 173-26-186 Governing principles of the guidelines. The governing principles listed below are intended to articulate a set of foundational concepts that underpin the guidelines, guide the development of the planning policies and regulatory provisions of master programs, and provide direction to the department in reviewing and approving master programs. These governing principles, along with the policy statement of RCW 90.58.020, other relevant provisions of the act, the regulatory reform policies and provisions of RCW 34.05.328, and the policy goals set forth in WAC 173-26-176 and 173-26-181 should be used to assist in interpretation of any ambiguous provisions and reconciliation of any conflicting provisions of the guidelines.

(2007 Ed.)

(1) The guidelines are subordinate to the act. Any inconsistency between the guidelines and the act must be resolved in accordance with the act.

(2) The guidelines are intended to reflect the policy goals of the act, as described in WAC 173-26-176 and 173-26-181.

(3) All relevant policy goals must be addressed in the planning policies of master programs.

(4) The planning policies of master programs (as distinguished from the development regulations of master programs) may be achieved by a number of means, only one of which is the regulation of development. Other means, as authorized by RCW 90.58.240, include, but are not limited to: The acquisition of lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other local governments; and accepting grants, contributions, and appropriations from any public or private agency or individual. Additional other means may include, but are not limited to, public facility and park planning, watershed planning, voluntary salmon recovery projects and incentive programs.

(5) The policy goals of the act, implemented by the planning policies of master programs, may not be achievable by development regulation alone. Planning policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property. Local government should use a process designed to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. A process established for this purpose, related to the constitutional takings limitation, is set forth in a publication entitled, "State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property," first published in February 1992. The attorney general is required to review and update this process on at least an annual basis to maintain consistency with changes in case law by RCW 36.70A.370.

(6) The territorial jurisdictions of the master program's planning function and regulatory function are legally distinct. The planning function may, and in some circumstances must, look beyond the territorial limits of shorelines of the state. RCW 90.58.340. The regulatory function is limited to the territorial limits of shorelines of the state, RCW 90.58.140(1), as defined in RCW 90.58.030(2).

(7) The planning policies and regulatory provisions of master programs and the comprehensive plans and development regulations, adopted under RCW 36.70A.040 shall be integrated and coordinated in accordance with RCW 90.58.-340, 36.70A.480, 34.05.328 (1)(h), and section 1, chapter 347, Laws of 1995.

(8) Through numerous references to and emphasis on the maintenance, protection, restoration, and preservation of "fragile" shoreline "natural resources," "public health," "the land and its vegetation and wildlife," "the waters and their aquatic life," "ecology," and "environment," the act makes protection of the shoreline environment an essential statewide policy goal consistent with the other policy goals of the act. It is recognized that shoreline ecological functions may

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be impaired not only by shoreline development subject to the substantial development permit requirement of the act but also by past actions, unregulated activities, and development that is exempt from the act's permit requirements. The principle regarding protecting shoreline ecological systems is accomplished by these guidelines in several ways, and in the context of related principles. These include:

(a) Local government is guided in its review and amendment of local master programs so that it uses a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by affected shorelines.

(b) Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.

(i) Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(ii) Local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.

(c) For counties and cities containing any shorelines with impaired ecological functions, master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

(d) Local master programs shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the act. To ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of such cumulative impacts should consider:

(i) Current circumstances affecting the shorelines and relevant natural processes;

(ii) Reasonably foreseeable future development and use of the shoreline; and

(iii) Beneficial effects of any established regulatory programs under other local, state, and federal laws.

It is recognized that methods of determining reasonably foreseeable future development may vary according to local circumstances, including demographic and economic characteristics and the nature and extent of local shorelines.

(e) The guidelines are not intended to limit the use of regulatory incentives, voluntary modification of development proposals, and voluntary mitigation measures that are designed to restore as well as protect shoreline ecological functions.

(9) To the extent consistent with the policy and use preference of RCW 90.58.020, this chapter (chapter 173-26 WAC), and these principles, local governments have reasonable discretion to balance the various policy goals of this chapter, in light of other relevant local, state, and federal regulatory and nonregulatory programs, and to modify master programs to reflect changing circumstances.

(10) Local governments, in adopting and amending master programs and the department in its review capacity shall, to the extent feasible, as required by RCW 90.58.100(1):

"(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered."

(11) In reviewing and approving local government actions under RCW 90.58.090, the department shall insure that the state's interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-186, filed 12/17/03, effective 1/17/04.]

WAC 173-26-191 Master program contents. (1) Master program concepts. The following concepts are the basis for effective shoreline master programs.

(a) **Master program policies and regulations.** Shoreline master programs are both planning and regulatory tools. Master programs serve a planning function in several ways. First, they balance and integrate the objectives and interests of local citizens. Therefore, the preparation and amending of master programs shall involve active public participation, as called for in WAC 173-26-201(3). Second, they address the full variety of conditions on the shoreline. Third, they consider and, where necessary to achieve the objectives of chapter 90.58 RCW, influence planning and regulatory measures for adjacent land. For jurisdictions planning under chapter 36.70A RCW, the Growth Management Act, the requirements for consistency between shoreline and adjacent land planning are more specific and are described in WAC 173-26-191 (1)(e). Fourth, master programs address conditions and opportunities of specific shoreline segments by classify-

ing the shorelines into "environment designations" as described in WAC 173-26-211.

The results of shoreline planning are summarized in shoreline master program policies that establish broad shoreline management directives. The policies are the basis for regulations that govern use and development along the shoreline. Some master program policies may not be fully attainable by regulatory means due to the constitutional and other legal limitations on the regulation of private property. The policies may be pursued by other means as provided in RCW 90.58.240. Some development requires a shoreline permit prior to construction. A local government evaluates a permit application with respect to the shoreline master program policies and regulations and approves a permit only after determining that the development conforms to them. The regulations apply to all uses and development within shoreline jurisdiction, whether or not a shoreline permit is required, and are implemented through an administrative process established by local government pursuant to RCW 90.58.050 and 90.58.140 and enforcement pursuant to RCW 90.58.210 through 90.58.230.

(b) Master program elements. RCW 90.58.100(2) states that the master programs shall, when appropriate, include the following elements:

"(a) An economic development element for the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter."

The Growth Management Act (chapter 36.70A RCW) also uses the word "element" for discrete components of a

comprehensive plan. To avoid confusion, "master program element" refers to the definition in the Shoreline Management Act as cited above. Local jurisdictions are not required to address the master program elements listed in the Shoreline Management Act as discrete sections. The elements may be addressed throughout master program provisions rather than used as a means to organize the master program.

(c) Shorelines of statewide significance. The Shoreline Management Act identifies certain shorelines as "shorelines of statewide significance" and raises their status by setting use priorities and requiring "optimum implementation" of the act's policy. WAC 173-26-251 describes methods to provide for the priorities listed in RCW 90.58.020 and to achieve "optimum implementation" as called for in RCW 90.58.090 (4).

(d) Shoreline environment designations. Shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the shoreline master program prescribe different sets of environmental protection measures, allowable use provisions, and development standards for each of these shoreline segments.

The method for local government to account for different shoreline conditions is to assign an environment designation to each distinct shoreline section in its jurisdiction. The environment designation assignments provide the framework for implementing shoreline policies and regulatory measures specific to the environment designation. WAC 173-26-211 presents guidelines for environment designations in greater detail.

(e) Consistency with comprehensive planning and other development regulations. Shoreline management is most effective and efficient when accomplished within the context of comprehensive planning. For cities and counties planning under the Growth Management Act, chapter 36.70A RCW requires mutual and internal consistency between the comprehensive plan elements and implementing development regulations (including master programs). The requirement for consistency is amplified in WAC 365-195-500:

"Each comprehensive plan shall be an internally consistent document and all elements shall be consistent with the future land use map. This means that each part of the plan should be integrated with all other parts and that all should be capable of implementation together. Internal consistency involves at least two aspects:

(1) Ability of physical aspects of the plan to coexist on the available land.

(2) Ability of the plan to provide that adequate public facilities are available when the impacts of development occur (concurrency).

Each plan should provide mechanisms for ongoing review of its implementation and adjustment of its terms whenever internal conflicts become apparent."

The Growth Management Act also calls for coordination and consistency of comprehensive plans among local jurisdictions. RCW 36.70A.100 states:

"The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of other counties or cities with

which the county or city has, in part, common borders or related regional issues."

Since master program goals and policies are an element of the local comprehensive plan, the requirement for internal and intergovernmental plan consistency may be satisfied by watershed-wide or regional planning.

Legislative findings provided in section 1, chapter 347, Laws of 1995 (see RCW 36.70A.470 notes) state:

"The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development."

And RCW 36.70A.480(1) (The Growth Management Act) states:

"For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations."

Furthermore, RCW 36.70A.481 states:

"Nothing in RCW 36.70A.480 shall be construed to authorize a county or city to adopt regulations applicable to shorelands as defined in RCW 90.58.030 that are inconsistent with the provisions of chapter 90.58 RCW."

The Shoreline Management Act addresses the issue of consistency in RCW 90.58.340, which states:

"All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines of the state so as the [to] achieve a use policy on said land consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government. [1971 ex.s. c 286 § 34.]"

Pursuant to the statutes cited above, the intent of these guidelines is to assist local governments in preparing and amending master programs that fit within the framework of applicable comprehensive plans, facilitate consistent, efficient review of projects and permits, and effectively implement the Shoreline Management Act. It should be noted the ecology's authority under the Shoreline Management Act is limited to review of shoreline master programs based solely on consistency with the SMA and these guidelines. It is the responsibility of the local government to assure consistency

between the master program and other elements of the comprehensive plan and development regulations.

Several sections in these guidelines include methods to achieve the consistency required by both the Shoreline Management Act and the Growth Management Act.

First, WAC 173-26-191 (2)(b) and (c) describe optional methods to integrate master programs and other development regulations and the local comprehensive plan.

Second, WAC 173-26-221 through 173-26-251 translate the broad policy goals in the Shoreline Management Act into more specific policies. They also provide a more defined policy basis on which to frame local shoreline master program provisions and to evaluate the consistency of applicable sections of a local comprehensive plan with the Shoreline Management Act.

Finally, WAC 173-26-211(3) presents specific methods for testing consistency between shoreline environment designations and comprehensive plan land use designations.

(2) **Basic requirements.** This chapter describes the basic components and content required in a master program. A master program must be sufficient and complete to implement the Shoreline Management Act and the provisions of this chapter. A master program shall contain policies and regulations as necessary for reviewers to evaluate proposed shoreline uses and developments for conformance to the Shoreline Management Act. As indicated in WAC 173-26-020, for this chapter: The terms "shall," "must," and "are required" and the imperative voice, mean a mandate; the action is required; the term "should" means that the particular action is required unless there is a demonstrated, sufficient reason, based on a policy of the Shoreline Management Act and this chapter, for not taking the action; and the term "may" indicates that the action is within discretion and authority, provided it satisfies all other provisions in this chapter.

(a) **Master program contents.** Master programs shall include the following contents:

(i) **Master program policies.** Master programs shall provide clear, consistent policies that translate broad statewide policy goals set forth in WAC 173-26-176 and 173-26-181 into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria for regulatory and nonregulatory actions by a local government. Master program policies provide a comprehensive foundation for the shoreline master program regulations, which are more specific, standards used to evaluate shoreline development. Master program policies also are to be pursued and provide guidance for public investment and other non-regulatory initiatives to assure consistency with the overall goals of the master program.

Shoreline policies shall be developed through an open comprehensive shoreline planning process. For governments planning under the Growth Management Act, the master program policies are considered a shoreline element of the local comprehensive plan and shall be consistent with the planning goals of RCW 36.70A.020, as well as the act's general and special policy goals set forth in WAC 173-26-176 and 173-26-181.

At a minimum, shoreline master program policies shall:

(A) Be consistent with state shoreline management policy goals and specific policies listed in this chapter and the policies of the Shoreline Management Act;

(B) Address the master program elements of RCW 90.58.100;

(C) Include policies for environment designations as described in WAC 173-26-211. The policies shall be accompanied by a map or physical description of the schematic environment designation boundaries in sufficient detail to compare with comprehensive plan land use designations; and

(D) Be designed and implemented in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(ii) **Master program regulations.** RCW 90.58.100 states:

"The master programs provided for in this chapter, when adopted or approved by the department shall constitute use regulations for the various shorelines of the state."

In order to implement the directives of the Shoreline Management Act, master program regulations shall:

(A) Be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies;

(B) Include environment designation regulations that apply to specific environments consistent with WAC 173-26-210;

(C) Include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and

(D) Design and implement regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(iii) **Administrative provisions.**

(A) **Statement of applicability.** The Shoreline Management Act's provisions are intended to provide for the management of all development and uses within its jurisdiction, whether or not a shoreline permit is required. Many activities that may not require a substantial development permit, such as clearing vegetation or construction of a residential bulkhead, can, individually or cumulatively, adversely impact adjacent properties and natural resources, including those held in public trust. Local governments have the authority and responsibility to enforce master program regulations on all uses and development in the shoreline area. There has been, historically, some public confusion regarding the Shoreline Management Act's applicability in this regard. Therefore, all master programs shall include the following statement:

"All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program."

In addition to the requirements of the SMA, permit review, implementation, and enforcement procedures affecting private property must be conducted in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. Administrative procedures should include provisions insuring that these requirements and limitations are considered and followed in all such decisions.

While the master program is a comprehensive use regulation applicable to all land and water areas within the jurisdiction described in the act, its effect is generally on future

development and changes in land use. Local government may find it necessary to regulate existing uses to avoid severe harm to public health and safety or the environment and in doing so should be cognizant of constitutional and other legal limitations on the regulation of private property. In some circumstances existing uses and properties may become non-conforming with regard to the regulations and master programs should include provisions to address these situations in a manner consistent with achievement of the policy of the act and consistent with constitutional and other legal limitations.

(B) Conditional use and variance provisions.

RCW 90.58.100(5) states:

"Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140 (3)."

All master programs shall include standards for reviewing conditional use permits and variances which conform to chapter 173-27 WAC.

(C) **Administrative permit review and enforcement procedures.**

RCW 90.58.140(3) states:

"The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government."

Local governments may include administrative, enforcement, and permit review procedures in the master program or the procedures may be defined by a local government ordinance separate from the master program. In either case, these procedures shall conform to the Shoreline Management Act, specifically RCW 90.58.140, 90.58.143, 90.58.210 and 90.58.220 and to chapter 173-27 WAC.

Adopting review and enforcement procedures separate from the master program allows local governments to more expeditiously revise their shoreline permit review procedures and to integrate them with other permit processing activities.

(D) **Documentation of project review actions and changing conditions in shoreline areas.**

Master programs or other local permit review ordinances addressing shoreline project review shall include a mechanism for documenting all project review actions in shoreline areas. Local governments shall also identify a process for periodically evaluating the cumulative effects of authorized development on shoreline conditions. This process could involve a joint effort by local governments, state resource agencies, affected Indian tribes, and other parties.

(b) **Including other documents in a master program by reference.** Shoreline master program provisions sometimes address similar issues as other comprehensive plan elements and development regulations, such as the zoning code and critical area ordinance. For the purposes of completeness

and consistency, local governments may include other locally adopted policies and regulations within their master programs. For example, a local government may include its critical area ordinance in the master program to provide for compliance with the requirements of RCW 90.58.090(4), provided the critical area ordinance is also consistent with this chapter. This can ensure that local master programs are consistent with other regulations.

Shoreline master programs may include other policies and regulations by referencing a specific, dated edition. When including referenced regulations within a master program, local governments shall ensure that the public has an opportunity to participate in the formulation of the regulations or in their incorporation into the master program, as called for in WAC 173-26-201 (3)(b)(i). In the approval process the department will review the referenced development regulation sections as part of the master program. A copy of the referenced regulations shall be submitted to the department with the proposed master program or amendment. If the development regulation is amended, the edition referenced within the master program will still be the operative regulation in the master program. Changing the referenced regulations in the master program to the new edition will require a master program amendment.

(c) **Incorporating master program provisions into other plans and regulations.** Local governments may integrate master program policies and regulations into their comprehensive plan policies and implementing development regulations rather than preparing a discrete master program in a single document. Master program provisions that are integrated into such plans and development regulations shall be clearly identified so that the department can review these provisions for approval and evaluate development proposals for compliance. RCW 90.58.120 requires that all adopted regulations, designations, and master programs be available for public inspection at the department or the applicable county or city. Local governments shall identify all documents which contain master program provisions and which provisions constitute part of the master program. Clear identification of master program provisions is also necessary so that interested persons and entities may be involved in master program preparation and amendment, as called for in RCW 90.58.130.

Local governments integrating all or portions of their master program provisions into other plans and regulations shall submit to the department a listing and copies of all provisions that constitute the master program. The master program shall also be sufficiently complete and defined to provide:

- (i) Clear directions to applicants applying for shoreline permits and exemptions; and
- (ii) Clear evaluation criteria and standards to the local governments, the department, other agencies, and the public for reviewing permit applications with respect to state and local shoreline management provisions.

(d) **Multijurisdictional master program.** Two or more adjacent local governments are encouraged to jointly prepare master programs. Jointly proposed master programs may offer opportunities to effectively and efficiently manage natural resources, such as drift cells or watersheds, that cross jurisdictional boundaries. Local governments jointly prepar-

ing master programs shall provide the opportunity for public participation locally in each jurisdiction, as called for in WAC 173-26-201 (3)(b), and submit the multijurisdictional master program to the department for approval.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-191, filed 12/17/03, effective 1/17/04.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-26-201 Comprehensive process to prepare or amend shoreline master programs. (1) Applicability. This section outlines a comprehensive process to prepare or amend a shoreline master program. Local governments shall incorporate the steps indicated if one or more of the following criteria apply:

(a) The master program amendments being considered represent a significant modification to shoreline management practices within the local jurisdiction, they modify more than one environment designation boundary, or significantly add, change or delete use regulations;

(b) Physical shoreline conditions have changed significantly, such as substantial changes in shoreline use or priority habitat integrity, since the last comprehensive master program amendment;

(c) The master program amendments being considered contain provisions that will affect a substantial portion of the local government's shoreline areas;

(d) There are substantive issues that must be addressed on a comprehensive basis. This may include issues such as salmon recovery, major use conflicts or public access;

(e) The current master program and the comprehensive plan are not mutually consistent;

(f) There has been no previous comprehensive master program amendment since the original master program adoption; or

(g) Monitoring and adaptive management indicate that changes are necessary to avoid loss of ecological functions.

Other revisions that do not meet the above criteria may be made without undertaking this comprehensive process provided that the process conforms to the requirements of WAC 173-26-030 through 173-26-160.

All master program amendments are subject to approval by the department as provided in RCW 90.58.090 (3) and (4).

(2) Basic concepts.

(a) **Use of scientific and technical information.** To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.

First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science. Local governments should also contact relevant state agencies, universities, affected Indian tribes, port districts and private parties for available information. While adequate scientific information and methodology

necessary for development of a master program should be available, if any person, including local government, chooses to initiate scientific research with the expectation that it will be used as a basis for master program provisions, that research shall use accepted scientific methods, research procedures and review protocols. Local governments are encouraged to work interactively with neighboring jurisdictions, state resource agencies, affected Indian tribes, and other local government entities such as port districts to address technical issues beyond the scope of existing information resources or locally initiated research.

Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.

Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available. Local governments should be prepared to identify the following:

- (i) Scientific information and management recommendations on which the master program provisions are based;
- (ii) Assumptions made concerning, and data gaps in, the scientific information; and
- (iii) Risks to ecological functions associated with master program provisions. Address potential risks as described in WAC 173-26-201 (3)(d).

The requirement to use scientific and technical information in these guidelines does not limit a local jurisdiction's authority to solicit and incorporate information, experience, and anecdotal evidence provided by interested parties as part of the master program amendment process. Such information should be solicited through the public participation process described in WAC 173-26-201 (3)(b). Where information collected by or provided to local governments conflicts or is inconsistent, the local government shall base master program provisions on a reasoned, objective evaluation of the relative merits of the conflicting data.

(b) Adaptation of policies and regulations. Effective shoreline management requires the evaluation of changing conditions and the modification of policies and regulations to address identified trends and new information. Local governments should monitor actions taken to implement the master program and shoreline conditions to facilitate appropriate updates of master program provisions to improve shoreline management over time. In reviewing proposals to amend master programs, the department shall evaluate whether the change promotes achievement of the policies of the master program and the act. As provided in WAC 173-26-171 (3)(d), ecology will periodically review these guidelines, based in part on information provided by local government, and through that process local government will receive additional guidance on significant shoreline management issues that may require amendments to master programs.

(c) Protection of ecological functions of the shorelines. This chapter implements the act's policy on protection of shoreline natural resources through protection and restoration of ecological functions necessary to sustain these natural resources. The concept of ecological functions recognizes

that any ecological system is composed of a wide variety of interacting physical, chemical and biological components, that are interdependent in varying degrees and scales, and that produce the landscape and habitats as they exist at any time. Ecological functions are the work performed or role played individually or collectively within ecosystems by these components.

As established in WAC 173-26-186(8), these guidelines are designed to assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

- Ecosystem-wide processes such as those associated with the flow and movement of water, sediment and organic materials; the presence and movement of fish and wildlife and the maintenance of water quality.
- Individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface and the composition and configuration of the beds and banks of water bodies.

The loss or degradation of the functions associated with ecosystem-wide processes, individual components and localized processes can significantly impact shoreline natural resources and may also adversely impact human health and safety. Shoreline master programs shall address ecological functions associated with applicable ecosystem-wide processes, individual components and localized processes identified in the ecological systems analysis described in WAC 173-26-201 (3)(d)(i).

Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. For example, an intensely developed harbor area may also serve as a fish migration corridor and feeding area critical to species survival. Also, ecosystems are interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with the shoreline depend on the health of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.

Master programs shall contain policies and regulations that assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. To achieve this standard while accommodating appropriate and necessary shoreline uses and development, master programs should establish and apply:

- Environment designations with appropriate use and development standards; and
- Provisions to address the impacts of specific common shoreline uses, development activities and modification actions; and
- Provisions for the protection of critical areas within the shoreline; and
- Provisions for mitigation measures and methods to address unanticipated impacts.

When based on the inventory and analysis requirements and completed consistent with the specific provisions of

these guidelines, the master program should ensure that development will be protective of ecological functions necessary to sustain existing shoreline natural resources and meet the standard. The concept of "net" as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.

Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2)(f), where such functions are found to have been impaired based on analysis described in WAC 173-26-201 (3)(d)(i). It is intended that local government, through the master program, along with other regulatory and nonregulatory programs, contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities through the shoreline inventory process and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects within their master programs. The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county.

(d) Preferred uses. As summarized in WAC 173-26-176, the act establishes policy that preference be given to uses that are unique to or dependent upon a shoreline location. Consistent with this policy, these guidelines use the terms "water-dependent," "water-related," and "water-enjoyment," as defined in WAC 173-26-020, when discussing appropriate uses for various shoreline areas.

Shoreline areas, being a limited ecological and economic resource, are the setting for competing uses and ecological protection and restoration activities. Consistent with RCW 90.58.020 and WAC 173-26-171 through 173-26-186, local governments shall, when determining allowable uses and resolving use conflicts on shorelines within their jurisdiction, apply the following preferences and priorities in the order listed below, starting with (d)(i) of this subsection. For shorelines of statewide significance, also apply the preferences as indicated in WAC 173-26-251(2).

(i) Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.

(ii) Reserve shoreline areas for water-dependent and associated water-related uses. Harbor areas, established pursuant to Article XV of the state Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities should be reserved for water-dependent and water-related uses that are associated with commercial navigation

unless the local governments can demonstrate that adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values of such areas preclude such uses. Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.

(iii) Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.

(iv) Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.

(v) Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

Evaluation pursuant to the above criteria, local economic and land use conditions, and policies and regulations that assure protection of shoreline resources, may result in determination that other uses are considered as necessary or appropriate and may be accommodated provided that the preferred uses are reasonably provided for in the jurisdiction.

(e) Environmental impact mitigation.

(i) To assure no net loss of shoreline ecological functions, master programs shall include provisions that require proposed individual uses and developments to analyze environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the master program and other applicable regulations. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), chapter 43.21C RCW, is applicable, the analysis of such environmental impacts shall be conducted consistent with the rules implementing SEPA, which also address environmental impact mitigation in WAC 197-11-660 and define mitigation in WAC 197-11-768. Master programs shall indicate that, where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority, with (e)(i)(A) of this subsection being top priority.

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Reducing or eliminating the impact over time by preservation and maintenance operations;

(E) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(F) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

(ii) In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

Consistent with WAC 173-26-186 (5) and (8), master programs shall also provide direction with regard to mitigation for the impact of the development so that:

(A) Application of the mitigation sequence achieves no net loss of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

(B) When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

(f) **Shoreline restoration planning.** Consistent with principle WAC 173-26-186 (8)(c), master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program. The approach to restoration planning may vary significantly among local jurisdictions, depending on:

- The size of the jurisdiction;
- The extent and condition of shorelines in the jurisdiction;
- The availability of grants, volunteer programs or other tools for restoration; and
- The nature of the ecological functions to be addressed by restoration planning.

Master program restoration plans shall consider and address the following subjects:

- (i) Identify degraded areas, impaired ecological functions, and sites with potential for ecological restoration;
- (ii) Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions;
- (iii) Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;
- (iv) Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;
- (v) Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals;

(vi) Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

(2007 Ed.)

(3) Steps in preparing and amending a master program.

(a) **Process overview.** This section provides a generalized process to prepare or comprehensively amend a shoreline master program. Local governments may modify the timing of the various steps, integrate the process into other planning activities, add steps to the process, or work jointly with other jurisdictions or regional efforts, provided the provisions of this chapter are met.

The department will provide a shoreline master program amendment checklist to help local governments identify issues to address. The checklist will not create new or additional requirements beyond the provisions of this chapter. The checklist is intended to aid the preparation and review of master program amendments. Local governments shall submit the completed checklist with the proposed master program amendments.

(b) Participation process.

(i) **Participation requirements.** Local government shall comply with the provisions of RCW 90.58.130 which states:

"To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments."

Additionally, the provisions of WAC 173-26-100 apply and include provisions to assure proper public participation and, for local governments planning under the Growth Management Act, the provisions of RCW 36.70A.140 also apply.

At a minimum, all local governments shall be prepared to describe and document their methods to ensure that all interested parties have a meaningful opportunity to participate.

(ii) **Communication with state agencies.** Before undertaking substantial work, local governments shall notify applicable state agencies to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input. Contact the department for a list of applicable agencies to be notified.

(iii) **Communication with affected Indian tribes.** Prior to undertaking substantial work, local governments shall notify affected Indian tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input. Contact the individual tribes or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of affected Indian tribes to be notified.

(c) **Inventory shoreline conditions.** Gather and incorporate all pertinent and available information, existing inventory data and materials from state agencies, affected Indian tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible, services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program amendments.

Collection of additional inventory information is encouraged and should be coordinated with other watershed, regional, or statewide inventory and planning efforts in order to ensure consistent methods and data protocol as well as effective use of fiscal and human resources. Local governments should be prepared to demonstrate that they have coordinated with applicable interjurisdictional shoreline inventory and planning programs where they exist. Two or more local governments are encouraged to jointly conduct an inventory in order to increase the efficiency of data gathering and comprehensiveness of inventory information. Data from interjurisdictional, watershed, or regional inventories may be substituted for an inventory conducted by an individual jurisdiction, provided it meets the requirements of this section.

Local government shall, at a minimum, and to the extent such information is relevant and reasonably available, collect the following information:

(i) Shoreline and adjacent land use patterns and transportation and utility facilities, including the extent of existing structures, impervious surfaces, vegetation and shoreline modifications in shoreline jurisdiction. Special attention should be paid to identification of water-oriented uses and related navigation, transportation and utility facilities.

(ii) Critical areas, including wetlands, aquifer recharge areas, fish and wildlife conservation areas, geologically hazardous areas, and frequently flooded areas. See also WAC 173-26-221.

(iii) Degraded areas and sites with potential for ecological restoration.

(iv) Areas of special interest, such as priority habitats, developing or redeveloping harbors and waterfronts, previously identified toxic or hazardous material clean-up sites, dredged material disposal sites, or eroding shorelines, to be addressed through new master program provisions.

(v) Conditions and regulations in shoreland and adjacent areas that affect shorelines, such as surface water management and land use regulations. This information may be useful in achieving mutual consistency between the master program and other development regulations.

(vi) Existing and potential shoreline public access sites, including public rights of way and utility corridors.

(vii) General location of channel migration zones, and flood plains.

(viii) Gaps in existing information. During the initial inventory, local governments should identify what additional information may be necessary for more effective shoreline management.

(ix) If the shoreline is rapidly developing or subject to substantial human changes such as clearing and grading, past and current records or historical aerial photographs may be necessary to identify cumulative impacts, such as bulkhead construction, intrusive development on priority habitats, and conversion of harbor areas to nonwater-oriented uses.

(x) If archaeological or historic resources have been identified in shoreline jurisdiction, consult with the state historic preservation office and local affected Indian tribes regarding existing archaeological and historical information.

(d) **Analyze shoreline issues of concern.** Before establishing specific master program provisions, local governments shall analyze the information gathered in (c) of this subsection and as necessary to ensure effective shoreline management provisions, address the topics below, where applicable.

(i) **Characterization of functions and ecosystem-wide processes.**

(A) Prepare a characterization of shoreline ecosystems and their associated ecological functions. The characterization consists of three steps:

(I) Identify the ecosystem-wide processes and ecological functions based on the list in (d)(i)(C) of this subsection that apply to the shoreline(s) of the jurisdiction.

(II) Assess the ecosystem-wide processes to determine their relationship to ecological functions present within the jurisdiction and identify which ecological functions are healthy, which have been significantly altered and/or adversely impacted and which functions may have previously existed and are missing based on the values identified in (d)(i)(D) of this subsection; and

(III) Identify specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes.

(B) The characterization of shoreline ecological systems may be achieved by using one or more of the approaches below:

(I) If a regional environmental management plan, such as a watershed plan or coastal erosion study, is ongoing or has been completed, then conduct the characterization either within the framework of the regional plan or use the data provided in the regional plan. This methodology is intended to contribute to an in-depth and comprehensive assessment and characterization.

(II) If a regional environmental management plan has not been completed, use available scientific and technical information, including flood studies, habitat evaluations and studies, water quality studies, and data and information from environmental impact statements. This characterization of ecosystem-wide processes and the impact upon the functions of specific habitats and human health and safety objectives may be of a generalized nature.

(III) One or more local governments may pursue a characterization which includes a greater scope and complexity than listed in (d)(i)(B)(I) and (II) of this subsection.

(C) Shoreline ecological functions include, but are not limited to:

In rivers and streams and associated flood plains:

Hydrologic: Transport of water and sediment across the natural range of flow variability; attenuating flow energy;

developing pools, riffles, gravel bars, recruitment and transport of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, sediment removal and stabilization; attenuation of flow energy; and provision of large woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, and sediment storage and maintenance of base flows.

Habitat for native aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction; resting, hiding and migration; and food production and delivery.

In lakes:

Hydrologic: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruitment of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, and sediment storage and maintenance of base flows.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

In marine waters:

Hydrologic: Transporting and stabilizing sediment, attenuating wave and tidal energy, removing excessive nutrients and toxic compounds; recruitment, redistribution and reduction of woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

Wetlands:

Hydrological: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruiting woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, removing and stabilizing sediment; and providing woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, storing water and maintaining base flows, storing sediment and support of vegetation.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

(D) The overall condition of habitat and shoreline resources are determined by the following ecosystem-wide processes and ecological functions:

The distribution, diversity, and complexity of the watersheds, marine environments, and landscape-scale features that form the aquatic systems to which species, populations, and communities are uniquely adapted.

The spatial and temporal connectivity within and between watersheds and along marine shorelines. Drainage network connections include flood plains, wetlands, upslope areas, headwater tributaries, and naturally functioning routes to areas critical for fulfilling life history requirements of aquatic and riverine-dependent species.

The shorelines, beaches, banks, marine near-shore habitats, and bottom configurations that provide the physical framework of the aquatic system.

The timing, volume, and distribution of woody debris recruitment in rivers, streams and marine habitat areas.

The water quality necessary to maintain the biological, physical, and chemical integrity of the system and support survival, growth, reproduction, and migration of individuals composing aquatic and riverine communities.

The sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.

The range of flow variability sufficient to create and sustain fluvial, aquatic, and wetland habitats, the patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows, and duration of flood plain inundation and water table elevation in meadows and wetlands.

The species composition and structural diversity of plant communities in river and stream areas and wetlands that provides summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of woody debris sufficient to sustain physical complexity and stability.

(E) Local governments should use the characterization and analysis called for in this section to prepare master program policies and regulations designed to achieve no net loss of ecological functions necessary to support shoreline resources and to plan for the restoration of the ecosystem-wide processes and individual ecological functions on a comprehensive basis over time.

(ii) **Shoreline use analysis and priorities.** Conduct an analysis to estimate the future demand for shoreline space and potential use conflicts. Characterize current shoreline use patterns and projected trends to ensure appropriate uses consistent with chapter 90.58 RCW and WAC 173-26-201 (2)(d) and 173-26-211(5).

If the jurisdiction includes a designated harbor area or urban waterfront with intensive uses or significant development or redevelopment issues, work with the Washington state department of natural resources and port authorities to ensure consistency with harbor area statutes and regulations, and to address port plans. Identify measures and strategies to encourage appropriate use of these shoreline areas in accordance with the use priorities of chapter 90.58 RCW and

WAC 173-26-201 (2)(d) while pursuing opportunities for ecological restoration.

(iii) **Addressing cumulative impacts in developing master programs.** The principle that regulation of development shall achieve no net loss of ecological function requires that master program policies and regulations address the cumulative impacts on shoreline ecological functions that would result from future shoreline development and uses that are reasonably foreseeable from proposed master programs. To comply with the general obligation to assure no net loss of shoreline ecological function, the process of developing the policies and regulations of a shoreline master program requires assessment of how proposed policies and regulations cause and avoid such cumulative impacts.

Evaluating and addressing cumulative impacts shall be consistent with the guiding principle in WAC 173-26-186 (8)(d). An appropriate evaluation of cumulative impacts on ecological functions will consider the factors identified in WAC 173-26-186 (8)(d)(i) through (iii) and the effect on the ecological functions of the shoreline that are caused by unregulated activities, development exempt from permitting, effects such as the incremental impact of residential bulkheads, residential piers, or runoff from newly developed properties. Accordingly, particular attention should be paid to policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development that is to be regulated by the master program.

There are practical limits when evaluating impacts that are prospective and sometimes indirect. Local government should rely on the assistance of state agencies and appropriate parties using evaluation, measurement, estimation, or quantification of impact consistent with the guidance of RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Policies and regulations of a master program are not inconsistent with these guidelines for failing to address cumulative impacts where a purported impact is not susceptible to being addressed using an approach consistent with RCW 90.58.100 (1).

Complying with the above guidelines is the way that master program policies and regulations should be developed to assure that the commonly occurring and foreseeable cumulative impacts do not cause a net loss of ecological functions of the shoreline. For such commonly occurring and planned development, policies and regulations should be designed without reliance on an individualized cumulative impacts analysis. Local government shall fairly allocate the burden of addressing cumulative impacts.

For development projects that may have unanticipatable or uncommon impacts that cannot be reasonably identified at the time of master program development, the master program policies and regulations should use the permitting or conditional use permitting processes to ensure that all impacts are addressed and that there is no net loss of ecological function of the shoreline after mitigation.

Similarly, local government shall consider and address cumulative impacts on other functions and uses of the shoreline that are consistent with the act. For example, a cumulative impact of allowing development of docks or piers could be interference with navigation on a water body.

(iv) **Shorelines of statewide significance.** If the area contains shorelines of statewide significance, undertake the steps outlined in WAC 173-26-251.

(v) **Public access.** Identify public access needs and opportunities within the jurisdiction and explore actions to enhance shoreline recreation facilities, as described in WAC 173-26-221(4).

(vi) **Enforcement and coordination with other regulatory programs.** Local governments planning under the Growth Management Act shall review their comprehensive plan policies and development regulations to ensure mutual consistency. In order to effectively administer and enforce master program provisions, local governments should also review their current permit review and inspection practices to identify ways to increase efficiency and effectiveness and to ensure consistency.

(vii) **Water quality and quantity.** Identify water quality and quantity issues relevant to master program provisions, including those that affect human health and safety. At a minimum, consult with appropriate federal, state, tribal, and local agencies.

(viii) **Vegetation conservation.** Identify how existing shoreline vegetation provides ecological functions and determine methods to ensure protection of those functions. Identify important ecological functions that have been degraded through loss of vegetation. Consider the amount of vegetated shoreline area necessary to achieve ecological objectives. While there may be less vegetation remaining in urbanized areas than in rural areas, the importance of this vegetation, in terms of the ecological functions it provides, is often as great or even greater than in rural areas due to its scarcity. Identify measures to ensure that new development meets vegetation conservation objectives.

(ix) **Special area planning.** Some shoreline sites or areas require more focused attention than is possible in the overall master program development process due to complex shoreline ecological issues, changing uses, or other unique features or issues. In these circumstances, the local government is encouraged to undertake special area planning. Special area planning also may be used to address: Public access, vegetation conservation, shoreline use compatibility, port development master planning, ecological restoration, or other issues best addressed on a comprehensive basis.

The resultant plans may serve as the basis for facilitating state and local government coordination and permit review. Special area planning shall provide for public and affected Indian tribe participation and compliance with all applicable provisions of the act and WAC 173-26-090 through 173-26-120.

(e) **Establish shoreline policies.** Address all of the elements listed in RCW 90.58.100(2) and all applicable provisions of these guidelines in policies. These policies should be reviewed for mutual consistency with the comprehensive plan policies. If there are shorelines of statewide significance, ensure that the other comprehensive plan policies affecting shoreline jurisdiction are consistent with the objectives of RCW 90.58.020 and 90.58.090(4).

(f) **Establish environment designations.** Establish environment designations and identify permitted uses and development standards for each environment designation.

Based on the inventory in (c) of this subsection and the analysis in (d) of this subsection, assign each shoreline segment an environment designation.

Prepare specific environment designation policies and regulations.

Review the environment designations for mutual consistency with comprehensive plan land use designations as indicated in WAC 173-26-211(3).

In determining the boundaries and classifications of environment designations, adhere to the criteria in WAC 173-26-211(5).

(g) **Prepare other shoreline regulations.** Prepare other shoreline regulations based on the policies and the analyses described in this section as necessary to assure consistency with the guidelines of this chapter. The level of detail of inventory information and planning analysis will be a consideration in setting shoreline regulations. As a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources. If there is a question about the extent or condition of an existing ecological resource, then the master program provisions shall be sufficient to reasonably assure that the resource is protected in a manner consistent with the policies of these guidelines. Local governments may accomplish this by including master program requirements for an on-site inventory at the time of project application and performance standard that assure appropriate protection.

(h) **Submit for review and approval.** Local governments are encouraged to work with department personnel during preparation of the master program and to submit draft master program provisions to the department for informal advice and guidance prior to formal submittal.

Local governments shall submit the completed checklist, as described in WAC 173-26-201 (3)(a), with their master program amendments proposed for adoption. Master program review and formal adoption procedures are described in Parts I and II of this chapter.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-201, filed 12/17/03, effective 1/17/04.]

WAC 173-26-211 Environment designation system.

(1) **Applicability.** This section applies to the establishment of environment designation boundaries and provisions as described in WAC 173-26-191 (1)(d).

(2) Basic requirements for environment designation classification and provisions.

(a) Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system shall be consistent with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.

(b) An up-to-date and accurate map of the shoreline area delineating the environment designations and their boundaries shall be prepared and maintained in the local government office that administers shoreline permits. If it is not feasible

to accurately designate individual parcels on a map, the master program text shall include a clear basis for identifying the boundaries, physical features, explicit criteria, or "common" boundary descriptions to accurately define and distinguish the environments on the ground. The master program should also make it clear that in the event of a mapping error, the jurisdiction will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

(c) To facilitate consistency with land use planning, local governments planning under chapter 36.70A RCW are encouraged to illustrate shoreline designations on the comprehensive plan future land use map as described in WAC 365-195-300 (2)(d).

(d) Pursuant to RCW 90.58.040, the map should clearly illustrate what environment designations apply to all shorelines of the state as defined in RCW 90.58.030 (2)(c) within the local government's jurisdiction in a manner consistent with WAC 173-26-211 (4) and (5).

(e) The map and the master program should note that all areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned a "rural conservancy" designation, or "urban conservancy" designation if within a municipality or urban growth area, or the comparable environment designation of the applicable master program until the shoreline can be redesignated through a master program amendment.

(f) The following diagram summarizes the components of the environment designation provisions.

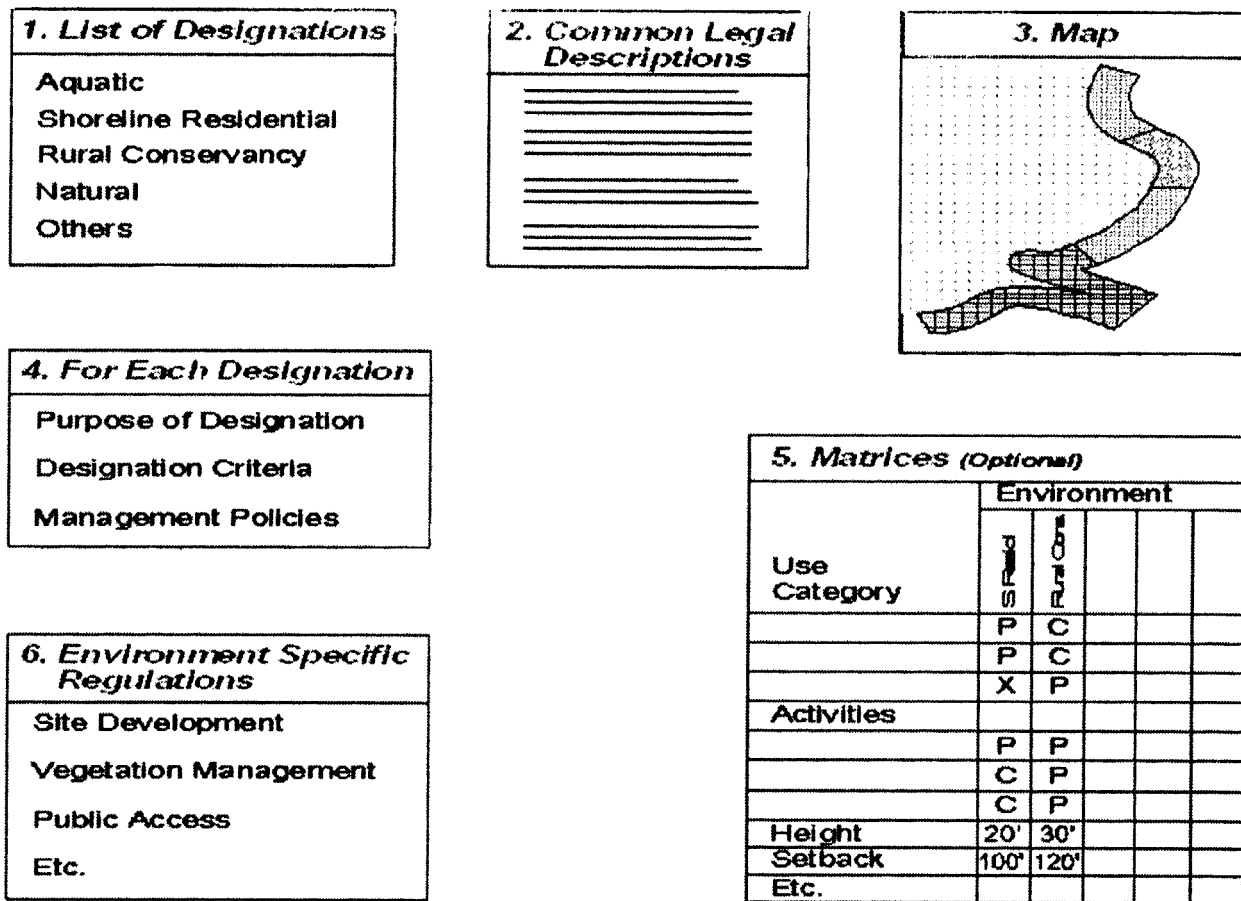


Diagram summarizing the components of the environment designation provisions.
(This is for illustration purposes only and does not supplement or add to the language in the chapter text.)

(3) **Consistency between shoreline environment designations and the local comprehensive plan.** As noted in WAC 173-26-191 (1)(e), RCW 90.58.340 requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the applicable master program. Conversely, local comprehensive plans constitute the underlying framework within which master program provisions should fit. The Growth Management Act, where applicable, designates shoreline master program policies as an element of the comprehensive plan and requires that all elements be internally consistent. Chapter 36.70A RCW also requires development regulations to be consistent with the comprehensive plan.

The following criteria are intended to assist local governments in evaluating the consistency between master program environment designation provisions and the corresponding comprehensive plan elements and development regulations. In order for shoreline designation provisions, local comprehensive plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

(a) **Provisions not precluding one another.** The comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criteria, the provisions of both the comprehensive plan and the master program must be able to be met. Further, when considered together and applied to any one piece of

property, the master program use policies and regulations and the local zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.

(b) **Use compatibility.** Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent water-oriented uses, especially water-dependent uses, from being restricted on shoreline areas because of impacts to nearby nonwater-oriented uses. To be consistent, master programs, comprehensive plans, and development regulations should prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.

(c) **Sufficient infrastructure.** Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

(4) **General environment designation provisions.**

(a) **Requirements.** For each environment designation, the shoreline master program shall describe:

(i) **Purpose statement.** The statement of purpose shall describe the shoreline management objectives of the designation in a manner that distinguishes it from other designations.

(ii) **Classification criteria.** Clearly stated criteria shall provide the basis for classifying or reclassifying a specific shoreline area with an environment designation.

(iii) **Management policies.** These policies shall be in sufficient detail to assist in the interpretation of the environment designation regulations and, for jurisdictions planning under chapter 36.70A RCW, to evaluate consistency with the local comprehensive plan.

(iv) **Regulations.** Environment-specific regulations shall address the following where necessary to account for different shoreline conditions:

(A) Types of shoreline uses permitted, conditionally permitted, and prohibited;

(B) Building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards; and

(C) Other topics not covered in general use regulations that are necessary to assure implementation of the purpose of the environment designation.

(b) **The recommended classification system.** The recommended classification system consists of six basic environments: "High-intensity," "shoreline residential," "urban conservancy," "rural conservancy," "natural," and "aquatic" as described in this section and WAC 173-26-211(5). Local governments should assign all shoreline areas an environment designation consistent with the corresponding designation criteria provided for each environment. In delineating environment designations, local government should assure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should also be consistent with policies for restoration of degraded shorelines.

(c) **Alternative systems.**

(i) Local governments may establish a different designation system or may retain their current environment designations, provided it is consistent with the purposes and policies of this section and WAC 173-26-211(5).

(ii) Local governments may use "parallel environments" where appropriate. Parallel environments divide shorelands into different sections generally running parallel to the shoreline or along a physical feature such as a bluff or railroad right of way. Such environments may be useful, for example, to accommodate resource protection near the shoreline and existing development further from the shoreline. Where parallel environments are used, developments and uses allowed in one environment should not be inconsistent with the achieving the purposes of the other.

(5) **The designations.**

(a) **"Natural" environment.**

(i) **Purpose.** The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment.

(ii) **Management policies.**

(A) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

(B) The following new uses should not be allowed in the "natural" environment:

- Commercial uses.
- Industrial uses.
- Nonwater-oriented recreation.
- Roads, utility corridors, and parking areas that can be located outside of "natural" designated shorelines.

(C) Single-family residential development may be allowed as a conditional use within the "natural" environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

(D) Commercial forestry may be allowed as a conditional use in the "natural" environment provided it meets the conditions of the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this environment designation.

(E) Agricultural uses of a very low intensity nature may be consistent with the natural environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

(F) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.

(G) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

(iii) **Designation criteria.** A "natural" environment designation should be assigned to shoreline areas if any of the following characteristics apply:

(A) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

(B) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

(C) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. Shorelines inside or outside urban growth areas may be designated as "natural."

Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not nec-

essarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

The term "ecologically intact shorelines" applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

Areas with significant existing agriculture lands should not be included in the "natural" designation, except where the existing agricultural operations involve very low intensity uses where there is no significant impact on natural ecological functions, and where the intensity or impacts associated with such agriculture activities is unlikely to expand in a manner inconsistent with the "natural" designation.

(b) "Rural conservancy" environment.

(i) Purpose. The purpose of the "rural conservancy" environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples of uses that are appropriate in a "rural conservancy" environment include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development and other natural resource-based low-intensity uses.

(ii) Management policies.

(A) Uses in the "rural conservancy" environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

Except as noted, commercial and industrial uses should not be allowed. Agriculture, commercial forestry, and aquaculture when consistent with provisions of this chapter may be allowed. Low-intensity, water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.

Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are mitigated.

Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the rural conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (3)(h) and when located consistent with mineral resource lands designa-

tion criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.

(B) Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

(C) Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231. New development should be designed and located to preclude the need for such work.

(D) Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. As a general matter, meeting this provision will require density, lot coverage, vegetation conservation and other provisions.

Scientific studies support density or lot coverage limitation standards that assure that development will be limited to a maximum of ten percent total impervious surface area within the lot or parcel, will maintain the existing hydrologic character of the shoreline. However, an alternative standard developed based on scientific information that meets the provisions of this chapter and accomplishes the purpose of the environment designation may be used.

Master programs may allow greater lot coverage to allow development of lots legally created prior to the adoption of a master program prepared under these guidelines. In these instances, master programs shall include measures to assure protection of ecological functions to the extent feasible such as requiring that lot coverage is minimized and vegetation is conserved.

(E) New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.

(iii) Designation criteria. Assign a "rural conservancy" environment designation to shoreline areas outside incorporated municipalities and outside urban growth areas, as defined by RCW 36.70A.110, if any of the following characteristics apply:

(A) The shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170;

(B) The shoreline is currently accommodating residential uses outside urban growth areas and incorporated cities or towns;

(C) The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;

(D) The shoreline is of high recreational value or with unique historic or cultural resources; or

(E) The shoreline has low-intensity water-dependent uses.

Areas designated in a local comprehensive plan as "rural areas of more intense development," as provided for in chap-

ter 36.70A RCW, may be designated an alternate shoreline environment, provided it is consistent with the objectives of the Growth Management Act and this chapter. "Master planned resorts" as described in RCW 36.70A.360 may be designated an alternate shoreline environment, provided the applicable master program provisions do not allow significant ecological impacts.

Lands that may otherwise qualify for designation as rural conservancy and which are designated as "mineral resource lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "rural conservancy" environment that allows mining and associated uses in addition to other uses consistent with the rural conservancy environment.

(c) "Aquatic" environment.

(i) Purpose. The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

(ii) Management policies.

(A) Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

(B) The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

(C) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

(D) All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

(E) Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201 (2)(e) as necessary to assure no net loss of ecological functions.

(F) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

(iii) Designation criteria. Assign an "aquatic" environment designation to lands waterward of the ordinary high-water mark.

Local governments may designate submerged and intertidal lands with shoreland designations (e.g., "high-intensity" or "rural conservancy") if the management policies and objectives for aquatic areas are met. In this case, the designation system used must provide regulations for managing submerged and intertidal lands that are clear and consistent with the "aquatic" environment management policies in this chapter. Additionally, local governments may assign an "aquatic" environment designation to wetlands.

(d) "High-intensity" environment.

(i) Purpose. The purpose of the "high-intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting

existing ecological functions and restoring ecological functions in areas that have been previously degraded.

(ii) Management policies.

(A) In regulating uses in the "high-intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed use developments. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-200 (3)(d).

If an analysis of water-dependent use needs as described in WAC 173-26-201 (3)(d)(ii) demonstrates the needs of existing and envisioned water-dependent uses for the planning period are met, then provisions allowing for a mix of water-dependent and nonwater-dependent uses may be established. If those shoreline areas also provide ecological functions, apply standards to assure no net loss of those functions.

(B) Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated "high-intensity." However, consideration should be given to the potential for displacement of nonwater-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

(C) Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.

(D) Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221 (4)(d).

(E) Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

(iii) Designation criteria. Assign a "high-intensity" environment designation to shoreline areas within incorporated municipalities, urban growth areas, and industrial or commercial "rural areas of more intense development," as described by RCW 36.70A.070, if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

(e) "Urban conservancy" environment.

(i) Purpose. The purpose of the "urban conservancy" environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

(ii) Management policies.

(A) Uses that preserve the natural character of the area or promote preservation of open space, flood plain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecologi-

cal functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

(B) Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "urban conservancy" designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

(C) Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

(D) Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

(E) Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the urban conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-240 (3)(h) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.

(iii) **Designation criteria.** Assign an "urban conservancy" environment designation to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities, urban growth areas, or commercial or industrial "rural areas of more intense development" if any of the following characteristics apply:

(A) They are suitable for water-related or water-enjoyment uses;

(B) They are open space, flood plain or other sensitive areas that should not be more intensively developed;

(C) They have potential for ecological restoration;

(D) They retain important ecological functions, even though partially developed; or

(E) They have the potential for development that is compatible with ecological restoration.

Lands that may otherwise qualify for designation as urban conservancy and which are designated as "mineral resource lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "urban conservancy" environment that allows mining and associated uses in addition to other uses consistent with the urban conservancy environment.

(f) **"Shoreline residential" environment.**

(i) **Purpose.** The purpose of the "shoreline residential" environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

(ii) **Management policies.**

(A) Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of

infrastructure and services available, and other comprehensive planning considerations.

Local governments may establish two or more different "shoreline residential" environments to accommodate different shoreline densities or conditions, provided both environments adhere to the provisions in this chapter.

(B) Multifamily and multilot residential and recreational developments should provide public access and joint use for community recreational facilities.

(C) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

(D) Commercial development should be limited to water-oriented uses.

(iii) **Designation criteria.** Assign a "shoreline residential" environment designation to shoreline areas inside urban growth areas, as defined in RCW 36.70A.110, incorporated municipalities, "rural areas of more intense development," or "master planned resorts," as described in RCW 36.70A.360, if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-211, filed 12/17/03, effective 1/17/04.]

WAC 173-26-221 General master program provisions. The provisions of this section shall be applied either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation. These provisions address certain elements as required by RCW 90.58.100(2) and implement the principles as established in WAC 173-26-186.

(1) **Archaeological and historic resources.**

(a) **Applicability.** The following provisions apply to archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with chapter 25-48 WAC as well as the provisions of this chapter.

(b) **Principles.** Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation.

(c) **Standards.** Local shoreline master programs shall include policies and regulations to protect historic, archaeological, and cultural features and qualities of shorelines and implement the following standards. A local government may reference historic inventories or regulations. Contact the office of archaeology and historic preservation and affected Indian tribes for additional information.

(i) Require that developers and property owners immediately stop work and notify the local government, the office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

(ii) Require that permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

(2) Critical areas.

(a) **Applicability.** Pursuant to the provisions of RCW 90.58.090(4) as amended by chapter 321, Laws of 2003 (ESHB 1933), shoreline master programs must provide for management of critical areas designated as such pursuant to RCW 36.70A.170 (1)(d) and required to be protected pursuant to RCW 36.70A.060(2) that are located within the shorelines of the state with policies and regulations that:

(i) Are consistent with the specific provisions of this subsection (2) critical areas and subsection (3) of this section flood hazard reduction, and these guidelines; and

(ii) Provide a level of protection to critical areas within the shoreline area that is at least equal to that provided by the local government's critical area regulations adopted pursuant to the Growth Management Act for comparable areas other than shorelines.

When approved by ecology pursuant to RCW 90.58.090(4), a local government's SMP becomes regulations for protection of critical areas in the shorelines of the state in the jurisdiction of the adopting local government except as noted in RCW 36.70A.480 (3)(b) and (6).

The provisions of this section and subsection (3) of this section, flood hazard reduction, shall be applied to critical areas within the shorelines of the state. RCW 36.70A.030 defines critical areas as:

"Critical areas" include the following areas and ecosystems:

(a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable waters; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas."

The provisions of WAC 365-190-080, to the extent standards for certain types of critical areas are not provided by this section and subsection (3) of this section flood hazard reduction, and to the extent consistent with these guidelines are also applicable to and provide further definition of critical area categories and management policies.

As provided in RCW 90.58.030 (2)(f)(ii) and 36.70A.-480, as amended by chapter 321, Laws of 2003 (ESHB 1933), any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provision of (f)(ii) of this subsection are not subject to additional regulations. If a local government does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized above, then the local jurisdiction shall continue to regulate those critical areas and required buffers pursuant to RCW 36.70A.-060(2).

(b) **Principles.** Local master programs, when addressing critical areas, shall implement the following principles:

(i) Shoreline master programs shall adhere to the standards established in the following sections, unless it is demonstrated through scientific and technical information as provided in RCW 90.58.100(1) and as described in WAC 173-

26-201 (2)(a) that an alternative approach provides better resource protection.

(ii) In addressing issues related to critical areas, use scientific and technical information, as described in WAC 173-26-201 (2)(a). The role of ecology in reviewing master program provisions for critical areas in shorelines of the state will be based on the Shoreline Management Act and these guidelines and a comparison with requirements in currently adopted critical area ordinances for comparable areas to ensure that the provisions are at least equal to the level of protection provided by the currently adopted critical area ordinance.

(iii) In protecting and restoring critical areas within shoreline jurisdiction, integrate the full spectrum of planning and regulatory measures, including the comprehensive plan, interlocal watershed plans, local development regulations, and state, tribal, and federal programs.

(iv) The planning objectives of shoreline management provisions for critical areas shall be the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes. The regulatory provisions for critical areas shall protect existing ecological functions and ecosystem-wide processes.

(v) Promote human uses and values that are compatible with the other objectives of this section, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions.

(c) **Standards.** When preparing master program provisions for critical areas, local governments should implement the following standards and the provisions of WAC 365-190-080 and use scientific and technical information, as provided for in WAC 173-26-201 (2)(a).

In reviewing the critical areas segment of a master program, the department of ecology shall first assure consistency with the standards of this section Critical areas (WAC 173-26-221(2)), and with the Flood hazard reduction section (WAC 173-26-221(3)), and shall then assure that the master program also provides protection of comparable critical areas that is at least equal to the protection provided by the local governments adopted and valid critical area regulations in effect at the time of submittal of the SMP.

In conducting the review for equivalency with local regulations, the department shall not further evaluate the adequacy of the local critical area regulations. Incorporation of the adopted and valid critical area regulations in effect at the time of submittal by reference as provided in WAC 173-26-191 (2)(b) shall be deemed to meet the requirement for equivalency. However, a finding of equivalency does not constitute a finding of compliance with the requirements of this section and subsection (3) of this section flood hazard reduction, nor with the guidelines overall.

Note that provisions for frequently flooded areas are included in WAC 173-26-221(3).

(i) Wetlands.

(A) **Wetland use regulations.** Local governments should consult the department's technical guidance documents on wetlands.

Regulations shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions,

including lost time when the wetland does not perform the function:

- The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
- The dumping, discharging, or filling with any material, including discharges of storm water and domestic, commercial, or industrial wastewater;
- The draining, flooding, or disturbing of the water level, duration of inundation, or water table;
- The driving of pilings;
- The placing of obstructions;
- The construction, reconstruction, demolition, or expansion of any structure;
- Significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules;
- Other uses or development that results in a significant ecological impact to the physical, chemical, or biological characteristics of wetlands; or
- Activities reducing the functions of buffers described in (c)(i)(D) of this subsection.

(B) **Wetland rating or categorization.** Wetlands shall be categorized based on the rarity, irreplaceability, or sensitivity to disturbance of a wetland and the functions the wetland provides. Local governments should either use the Washington state wetland rating system, Eastern or Western Washington version as appropriate, or they should develop their own, regionally specific, scientifically based method for categorizing wetlands. Wetlands should be categorized to reflect differences in wetland quality and function in order to tailor protection standards appropriately. A wetland categorization method is not a substitute for a function assessment method, where detailed information on wetland functions is needed.

(C) **Alterations to wetlands.** Master program provisions addressing alterations to wetlands shall be consistent with the policy of no net loss of wetland area and functions, wetland rating, scientific and technical information, and the mitigation priority sequence defined in WAC 173-26-201 (2)(e).

(D) **Buffers.** Master programs shall contain requirements for buffer zones around wetlands. Buffer requirements shall be adequate to ensure that wetland functions are protected and maintained in the long term. Requirements for buffer zone widths and management shall take into account the ecological functions of the wetland, the characteristics and setting of the buffer, the potential impacts associated with the adjacent land use, and other relevant factors.

(E) **Mitigation.** Master programs shall contain wetland mitigation requirements that are consistent with WAC 173-26-201 (2)(e) and which are based on the wetland rating.

(F) **Compensatory mitigation.** Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.

Requirements for compensatory mitigation must include provisions for:

(I) Mitigation replacement ratios or a similar method of addressing the following:

- The risk of failure of the compensatory mitigation action;
- The length of time it will take the compensatory mitigation action to adequately replace the impacted wetland functions and values;
- The gain or loss of the type, quality, and quantity of the ecological functions of the compensation wetland as compared with the impacted wetland.

(II) Establishment of performance standards for evaluating the success of compensatory mitigation actions;

(III) Establishment of long-term monitoring and reporting procedures to determine if performance standards are met; and

(IV) Establishment of long-term protection and management of compensatory mitigation sites.

Credits from a certified mitigation bank may be used to compensate for unavoidable impacts.

(ii) **Geologically hazardous areas.** Development in designated geologically hazardous areas shall be regulated in accordance with the following:

(A) Consult minimum guidelines for geologically hazardous areas, WAC 365-190-080(4).

(B) Do not allow new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.

(C) Do not allow new development that would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. The stabilization measures shall conform to WAC 173-26-231.

(D) Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 requirements and then only if no net loss of ecological functions will result.

(iii) **Critical saltwater habitats.**

(A) **Applicability.** Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

(B) **Principles.** Master programs shall include policies and regulations to protect critical saltwater habitats and should implement planning policies and programs to restore such habitats. Planning for critical saltwater habitats shall incorporate the participation of state resource agencies to assure consistency with other legislatively created programs in addition to local and regional government entities with an interest such as port districts. Affected Indian tribes shall also

be consulted. Local governments should review relevant comprehensive management plan policies and development regulations for shorelands and adjacent lands to achieve consistency as directed in RCW 90.58.340. Local governments should base management planning on information provided by state resource agencies and affected Indian tribes unless they demonstrate that they possess more accurate and reliable information.

The management planning should include an evaluation of current data and trends regarding the following:

- Available inventory and collection of necessary data regarding physical characteristics of the habitat, including upland conditions, and any information on species population trends;
- Terrestrial and aquatic vegetation;
- The level of human activity in such areas, including the presence of roads and level of recreational types (passive or active recreation may be appropriate for certain areas and habitats);
- Restoration potential;
- Tributaries and small streams flowing into marine waters;
- Dock and bulkhead construction, including an inventory of bulkheads serving no protective purpose;
- Conditions and ecological functions in the near-shore area;
- Uses surrounding the critical saltwater habitat areas that may negatively impact those areas, including permanent or occasional upland, beach, or over-water uses; and
- An analysis of what data gaps exist and a strategy for gaining this information.

The management planning should address the following, where applicable:

- Protecting a system of fish and wildlife habitats with connections between larger habitat blocks and open spaces and restoring such habitats and connections where they are degraded;
- Protecting existing and restoring degraded riparian and estuarine ecosystems, especially salt marsh habitats;
- Establishing adequate buffer zones around these areas to separate incompatible uses from the habitat areas;
- Protecting existing and restoring degraded near-shore habitat;
- Protecting existing and restoring degraded or lost salmonid habitat;
- Protecting existing and restoring degraded upland ecological functions important to critical saltwater habitats, including riparian vegetation;
- Improving water quality;
- Protecting existing and restoring degraded sediment inflow and transport regimens; and
- Correcting activities that cause excessive sediment input where human activity has led to mass wasting.

Local governments, in conjunction with state resource agencies and affected Indian tribes, should classify critical saltwater habitats and protect and restore seasonal ranges and habitat elements with which federal-listed and state-listed endangered, threatened, and priority species have a primary association and which, if altered, may reduce the likelihood that a species will maintain its population and reproduce over the long term.

Local governments, in conjunction with state resource agencies and affected Indian tribes, should determine which habitats and species are of local importance.

All public and private tidelands or bedlands suitable for shellfish harvest shall be classified as critical areas. Local governments should consider both commercial and recreational shellfish areas. Local governments should review the Washington department of health classification of commercial and recreational shellfish growing areas to determine the existing condition of these areas. Further consideration should be given to the vulnerability of these areas to contamination or potential for recovery. Shellfish protection districts established pursuant to chapter 90.72 RCW shall be included in the classification of critical shellfish areas. Local governments shall classify kelp and eelgrass beds identified by the department of natural resources' aquatic resources division, the department, and affected Indian tribes as critical saltwater habitats.

Comprehensive saltwater habitat management planning should identify methods for monitoring conditions and adapting management practices to new information.

(C) Standards. Docks, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human-made structures shall not intrude into or over critical saltwater habitats except when all of the conditions below are met:

- The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;
- Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
- The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.
- The project is consistent with the state's interest in resource protection and species recovery.

Private, noncommercial docks for individual residential or community use may be authorized provided that:

- Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible;
- The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.

Until an inventory of critical saltwater habitat has been done, shoreline master programs shall condition all over-water and near-shore developments in marine and estuarine waters with the requirement for an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. The methods and extent of the inventory shall be consistent with accepted research methodology. At a minimum, local governments should consult with department technical assistance materials for guidance.

(iv) Critical freshwater habitats.

(A) Applicability. The following applies to master program provisions affecting critical freshwater habitats, including those portions of streams, rivers, wetlands, and lakes, their associated channel migration zones, and flood plains designated as such.

(B) Principles. Many ecological functions of river and stream corridors depend both on continuity and connectivity

along the length of the shoreline and on the conditions of the surrounding lands on either side of the river channel. Environmental degradation caused by development such as improper storm water sewer or industrial outfalls, unmanaged clearing and grading, or runoff from buildings and parking lots within the watershed, can degrade ecological functions downstream. Likewise, gradual destruction or loss of the vegetation, alteration of runoff quality and quantity along the corridor resulting from incremental flood plain development can raise water temperatures and alter hydrographic conditions and degrade other ecological functions, thereby making the corridor inhospitable for priority species and susceptible to catastrophic flooding, droughts, landslides and channel changes. These conditions also threaten human health, safety, and property. Long stretches of river and stream shorelines have been significantly altered or degraded in this manner. Therefore, effective management of river and stream corridors depends on:

(I) Planning for protection, and restoration where appropriate, along the entire length of the corridor from river headwaters to the mouth; and

(II) Regulating uses and development within the stream channel, associated channel migration zone, wetlands, and the flood plain, to the extent such areas are in the shoreline jurisdictional area, as necessary to assure no net loss of ecological functions associated with the river or stream corridors, including the associated hyporheic zone, results from new development.

As part of a comprehensive approach to management of critical freshwater habitat and other river and stream values, local governments should integrate master program provisions, including those for shoreline stabilization, fill, vegetation conservation, water quality, flood hazard reduction, and specific uses, to protect human health and safety and to protect and restore the corridor's ecological functions and ecosystem-wide processes.

Applicable master programs shall contain provisions to protect hydrologic connections between water bodies, water courses, and associated wetlands. Restoration planning should include incentives and other means to restore water connections that have been impeded by previous development.

Master program provisions for river and stream corridors should, where appropriate, be based on the information from comprehensive watershed management planning where available.

(C) **Standards.** Master programs shall implement the following standards within shoreline jurisdiction:

(I) Provide for the protection of ecological functions associated with critical freshwater habitat as necessary to assure no net loss.

(II) Where appropriate, integrate protection of critical freshwater habitat, protection with flood hazard reduction and other river and stream management provisions.

(III) Include provisions that facilitate authorization of appropriate restoration projects.

(IV) Provide for the implementation of the principles identified in (c)(iv)(B) of this subsection.

(3) **Flood hazard reduction.**

(a) **Applicability.** The following provisions apply to actions taken to reduce flood damage or hazard and to uses,

development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program. Additional relevant critical area provisions are in WAC 173-26-221(2).

(b) **Principles.** Flooding of rivers, streams, and other shorelines is a natural process that is affected by factors and land uses occurring throughout the watershed. Past land use practices have disrupted hydrological processes and increased the rate and volume of runoff, thereby exacerbating flood hazards and reducing ecological functions. Flood hazard reduction measures are most effective when integrated into comprehensive strategies that recognize the natural hydrogeological and biological processes of water bodies. Over the long term, the most effective means of flood hazard reduction is to prevent or remove development in flood-prone areas, to manage storm water within the flood plain, and to maintain or restore river and stream system's natural hydrological and geomorphological processes.

Structural flood hazard reduction measures, such as diking, even if effective in reducing inundation in a portion of the watershed, can intensify flooding elsewhere. Moreover, structural flood hazard reduction measures can damage ecological functions crucial to fish and wildlife species, bank stability, and water quality. Therefore, structural flood hazard reduction measures shall be avoided whenever possible. When necessary, they shall be accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes.

The dynamic physical processes of rivers, including the movement of water, sediment and wood, cause the river channel in some areas to move laterally, or "migrate," over time. This is a natural process in response to gravity and topography and allows the river to release energy and distribute its sediment load. The area within which a river channel is likely to move over a period of time is referred to as the channel migration zone (CMZ) or the meander belt. Scientific examination as well as experience has demonstrated that interference with this natural process often has unintended consequences for human users of the river and its valley such as increased or changed flood, sedimentation and erosion patterns. It also has adverse effects on fish and wildlife through loss of critical habitat for river and riparian dependent species. Failing to recognize the process often leads to damage to, or loss of, structures and threats to life safety.

Applicable shoreline master programs should include provisions to limit development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of ecological functions associated with the rivers and streams. (See also (c) of this subsection.)

The channel migration zone should be established to identify those areas with a high probability of being subject to channel movement based on the historic record, geologic character and evidence of past migration. It should also be

recognized that past action is not a perfect predictor of the future and that human and natural changes may alter migration patterns. Consideration should be given to such changes that may have occurred and their effect on future migration patterns.

For management purposes, the extent of likely migration along a stream reach can be identified using evidence of active stream channel movement over the past one hundred years. Evidence of active movement can be provided from historic and current aerial photos and maps and may require field analysis of specific channel and valley bottom characteristics in some cases. A time frame of one hundred years was chosen because aerial photos, maps and field evidence can be used to evaluate movement in this time frame.

In some cases, river channels are prevented from normal or historic migration by human-made structures or other shoreline modifications. The definition of channel migration zone indicates that in defining the extent of a CMZ, local governments should take into account the river's characteristics and its surroundings. Unless otherwise demonstrated through scientific and technical information, the following characteristics should be considered when establishing the extent of the CMZ for management purposes:

- Within incorporated municipalities and urban growth areas, areas separated from the active river channel by legally existing artificial channel constraints that limit channel movement should not be considered within the channel migration zone.
- All areas separated from the active channel by a legally existing artificial structure(s) that is likely to restrain channel migration, including transportation facilities, built above or constructed to remain intact through the one hundred-year flood, should not be considered to be in the channel migration zone.
- In areas outside incorporated municipalities and urban growth areas, channel constraints and flood control structures built below the one hundred-year flood elevation do not necessarily restrict channel migration and should not be considered to limit the channel migration zone unless demonstrated otherwise using scientific and technical information.

Master programs shall implement the following principles:

- (i) Where feasible, give preference to nonstructural flood hazard reduction measures over structural measures.
- (ii) Base shoreline master program flood hazard reduction provisions on applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts, provided those measures are consistent with the Shoreline Management Act and this chapter.
- (iii) Consider integrating master program flood hazard reduction provisions with other regulations and programs, including (if applicable):
 - Storm water management plans;
 - Flood plain regulations, as provided for in chapter 86.16 RCW;
 - Critical area ordinances and comprehensive plans, as provided in chapter 36.70A RCW; and
 - The National Flood Insurance Program.

(iv) Assure that flood hazard protection measures do not result in a net loss of ecological functions associated with the rivers and streams.

(v) Plan for and facilitate returning river and stream corridors to more natural hydrological conditions. Recognize that seasonal flooding is an essential natural process.

(vi) When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.

(vii) Local governments are encouraged to plan for and facilitate removal of artificial restrictions to natural channel migration, restoration of off channel hydrological connections and return river processes to a more natural state where feasible and appropriate.

(c) **Standards.** Master programs shall implement the following standards within shoreline jurisdiction:

(i) Development in flood plains should not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to chapter 86.12 RCW, provided the plan has been adopted after 1994 and approved by the department. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway. The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway:

- Actions that protect or restore the ecosystem-wide processes or ecological functions.
- Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
- Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.
- Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241 (3)(h).
- Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.
- Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
- Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
- Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
- Development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.
- Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorpho-

logical processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.

(ii) Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5).

Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system.

(iii) Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.

(iv) Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

(v) Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

(4) **Public access.**

(a) **Applicability.** Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access provisions below apply to all shorelines of the state unless stated otherwise.

(b) **Principles.** Local master programs shall:

(i) Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.

(ii) Protect the rights of navigation and space necessary for water-dependent uses.

(iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.

(iv) Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

(c) **Planning process to address public access.** Local governments should plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access. Such a system can often be more effective and economical than applying uniform public access requirements to all development. This planning should be integrated with other relevant comprehensive plan elements, especially transportation and recreation. The planning process shall also comply with all relevant constitutional and other legal limitations that protect private property rights.

Where a port district or other public entity has incorporated public access planning into its master plan through an open public process, that plan may serve as a portion of the local government's public access planning, provided it meets the provisions of this chapter. The planning may also justify more flexible off-site or special area public access provisions in the master program. Public participation requirements in WAC 173-26-201 (3)(b)(i) apply to public access planning.

At a minimum, the public access planning should result in public access requirements for shoreline permits, recommended projects, port master plans, and/or actions to be taken to develop public shoreline access to shorelines on public property. The planning should identify a variety of shoreline access opportunities and circulation for pedestrians (including disabled persons), bicycles, and vehicles between shoreline access points, consistent with other comprehensive plan elements.

(d) **Standards.** Shoreline master programs should implement the following standards:

(i) Based on the public access planning described in (c) of this subsection, establish policies and regulations that protect and enhance both physical and visual public access. The master program shall address public access on public lands. The master program should seek to increase the amount and diversity of public access to the state's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.

(ii) Require that shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Where public access planning as described in WAC 173-26-221 (4)(c) demonstrates that a more effective public access system can be achieved through alternate means, such as focusing public access at the most desirable locations, local governments may institute master program provisions for public access based on that approach in lieu of uniform site-by-site public access requirements.

(iii) Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:

(A) Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221 (4)(c).

(B) Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, local governments shall consider alternate methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.

(C) For individual single-family residences not part of a development planned for more than four parcels.

(iv) Adopt provisions, such as maximum height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

(v) Assure that public access improvements do not result in a net loss of shoreline ecological functions.

(5) Shoreline vegetation conservation.

(a) **Applicability.** Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority. As with all master program provisions, vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit. Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures, such as existing agricultural practices.

(b) **Principles.** The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

Master programs shall include: Planning provisions that address vegetation conservation and restoration, and regulatory provisions that address conservation of vegetation; as necessary to assure no net loss of shoreline ecological functions and ecosystem-wide processes, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion.

Local governments should address ecological functions and ecosystem-wide processes provided by vegetation as described in WAC 173-26-201 (3)(d)(i).

Local governments may implement these objectives through a variety of measures, where consistent with Shoreline Management Act policy, including clearing and grading regulations, setback and buffer standards, critical area regulations, conditional use requirements for specific uses or areas, mitigation requirements, incentives and nonregulatory programs.

In establishing vegetation conservation regulations, local governments must use available scientific and technical information, as described in WAC 173-26-201 (2)(a). At a minimum, local governments should consult shoreline management assistance materials provided by the department and *Management Recommendations for Washington's Priority Habitats*, prepared by the Washington state department of fish and wildlife where applicable.

Current scientific evidence indicates that the length, width, and species composition of a shoreline vegetation community contribute substantively to the aquatic ecological functions. Likewise, the biota within the aquatic environment is essential to ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When shoreline vegetation is removed, the narrower the area of remaining vegetation, the greater the risk that the functions will not be performed.

In the Pacific Northwest, aquatic environments, as well as their associated upland vegetation and wetlands, provide significant habitat for a myriad of fish and wildlife species. Healthy environments for aquatic species are inseparably linked with the ecological integrity of the surrounding terrestrial ecosystem. For example, a nearly continuous corridor of mature forest characterizes the natural riparian conditions of the Pacific Northwest. Riparian corridors along marine shorelines provide many of the same functions as their freshwater counterparts. The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

- Providing shade necessary to maintain the cool temperatures required by salmonids, spawning forage fish, and other aquatic biota.
- Providing organic inputs critical for aquatic life.
- Providing food in the form of various insects and other benthic macroinvertebrates.
- Stabilizing banks, minimizing erosion, and reducing the occurrence of landslides. The roots of trees and other riparian vegetation provide the bulk of this function.
- Reducing fine sediment input into the aquatic environment through storm water retention and vegetative filtering.
- Filtering and vegetative uptake of nutrients and pollutants from ground water and surface runoff.
- Providing a source of large woody debris into the aquatic system. Large woody debris is the primary structural element that functions as a hydraulic roughness element to moderate flows. Large woody debris also serves a pool-forming function, providing critical salmonid rearing and refuge habitat. Abundant large woody debris increases aquatic diversity and stabilization.

- Regulation of microclimate in the stream-riparian and intertidal corridors.

- Providing critical wildlife habitat, including migration corridors and feeding, watering, rearing, and refugia areas.

Sustaining different individual functions requires different widths, compositions and densities of vegetation. The importance of the different functions, in turn, varies with the type of shoreline setting. For example, in forested shoreline settings, periodic recruitment of fallen trees, especially conifers, into the stream channel is an important attribute, critical to natural stream channel maintenance. Therefore, vegetated areas along streams which once supported or could in the future support mature trees should be wide enough to accomplish this periodic recruitment process.

Woody vegetation normally classed as trees may not be a natural component of plant communities in some environments, such as in arid climates and on coastal dunes. In these instances, the width of a vegetated area necessary to achieve the full suite of vegetation-related shoreline functions may not be related to vegetation height.

Local governments should identify which ecological processes and functions are important to the local aquatic and terrestrial ecology and conserve sufficient vegetation to maintain them. Such vegetation conservation areas are not necessarily intended to be closed to use and development but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline ecological functions.

(c) **Standards.** Master programs shall implement the following requirements in shoreline jurisdiction.

Establish vegetation conservation standards that implement the principles in WAC 173-26-221 (5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. Selective pruning of trees for safety and view protection may be allowed and the removal of noxious weeds should be authorized.

Additional vegetation conservation standards for specific uses are included in WAC 173-26-241(3).

(6) **Water quality, storm water, and nonpoint pollution.**

(a) **Applicability.** The following section applies to all development and uses in shorelines of the state, as defined in WAC 173-26-020, that affect water quality.

(b) **Principles.** Shoreline master programs shall, as stated in RCW 90.58.020, protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life, through implementation of the following principles:

(i) Prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

(ii) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and storm water quantity, including public health, storm water, and water discharge standards. The regulations that are most protective of ecological functions shall apply.

(c) **Standards.** Shoreline master programs shall include provisions to implement the principles of this section.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-221, filed 12/17/03, effective 1/17/04.]

WAC 173-26-231 Shoreline modifications. (1) **Applicability.** Local governments are encouraged to prepare master program provisions that distinguish between shoreline modifications and shoreline uses. Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use).

The provisions in this section apply to all shoreline modifications within shoreline jurisdiction.

(2) **General principles applicable to all shoreline modifications.** Master programs shall implement the following principles:

(a) Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

(b) Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.

(c) Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

(d) Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

(e) Where applicable, base provisions on scientific and technical information and a comprehensive analysis of drift cells for marine waters or reach conditions for river and stream systems. Contact the department for available drift cell characterizations.

(f) Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

(g) Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201 (2)(e).

(3) **Provisions for specific shoreline modifications.**

(a) **Shoreline stabilization.**

(i) **Applicability.** Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water manage-

ment, planning and regulatory measures to avoid the need for structural stabilization.

(ii) **Principles.** Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including reduction of erosion or providing useful space at the shore or providing access to docks and piers. The impacts of hardening any one property may be minimal but cumulatively the impact of this shoreline modification is significant.

Shoreline hardening typically results in adverse impacts to shoreline ecological functions such as:

- Beach starvation. Sediment supply to nearby beaches is cut off, leading to "starvation" of the beaches for the gravel, sand, and other fine-grained materials that typically constitute a beach.

- Habitat degradation. Vegetation that shades the upper beach or bank is eliminated, thus degrading the value of the shoreline for many ecological functions, including spawning habitat for salmonids and forage fish.

- Sediment impoundment. As a result of shoreline hardening, the sources of sediment on beaches (eroding "feeder" bluffs) are progressively lost and longshore transport is diminished. This leads to lowering of down-drift beaches, the narrowing of the high tide beach, and the coarsening of beach sediment. As beaches become more coarse, less prey for juvenile fish is produced. Sediment starvation may lead to accelerated erosion in down-drift areas.

- Exacerbation of erosion. The hard face of shoreline armoring, particularly concrete bulkheads, reflects wave energy back onto the beach, exacerbating erosion.

- Ground water impacts. Erosion control structures often raise the water table on the landward side, which leads to higher pore pressures in the beach itself. In some cases, this may lead to accelerated erosion of sand-sized material from the beach.

- Hydraulic impacts. Shoreline armoring generally increases the reflectivity of the shoreline and redirects wave energy back onto the beach. This leads to scouring and lowering of the beach, to coarsening of the beach, and to ultimate failure of the structure.

- Loss of shoreline vegetation. Vegetation provides important "softer" erosion control functions. Vegetation is also critical in maintaining ecological functions.

- Loss of large woody debris. Changed hydraulic regimes and the loss of the high tide beach, along with the prevention of natural erosion of vegetated shorelines, lead to the loss of beached organic material. This material can increase biological diversity, can serve as a stabilizing influence on natural shorelines, and is habitat for many aquatic-based organisms, which are, in turn, important prey for larger organisms.

- Restriction of channel movement and creation of side channels. Hardened shorelines along rivers slow the movement of channels, which, in turn, prevents the input of larger woody debris, gravels for spawning, and the creation of side channels important for juvenile salmon rearing, and can result in increased floods and scour.

Additionally, hard structures, especially vertical walls, often create conditions that lead to failure of the structure. In time, the substrate of the beach coarsens and scours down to bedrock or a hard clay. The footings of bulkheads are exposed, leading to undermining and failure. This process is exacerbated when the original cause of the erosion and "need" for the bulkhead was from upland water drainage problems. Failed bulkheads and walls adversely impact beach aesthetics, may be a safety or navigational hazard, and may adversely impact shoreline ecological functions.

"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include:

- Vegetation enhancement;
- Upland drainage control;
- Biotechnical measures;
- Beach enhancement;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Structural shoreline stabilization often results in vegetation removal and damage to near-shore habitat and shoreline corridors. Therefore, master program shoreline stabilization provisions shall also be consistent with WAC 173-26-221(5), vegetation conservation, and where applicable, WAC 173-26-221(2), critical areas.

In order to implement RCW 90.58.100(6) and avoid or mitigate adverse impacts to shoreline ecological functions where shoreline alterations are necessary to protect single-family residences and principal appurtenant structures in danger from active shoreline erosion, master programs should include standards setting forth the circumstances under which alteration of the shoreline is permitted, and for the design and type of protective measures and devices.

(iii) **Standards.** In order to avoid the individual and cumulative net loss of ecological functions attributable to shoreline stabilization, master programs shall implement the above principles and apply the following standards:

(A) New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to

adjacent or down-current properties and shoreline areas should not be allowed.

(B) New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:

(I) To protect existing primary structures:

- New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.

- The erosion control structure will not result in a net loss of shoreline ecological functions.

(II) In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:

- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

- Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.

- The erosion control structure will not result in a net loss of shoreline ecological functions.

(III) In support of water-dependent development when all of the conditions below apply:

- The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

- Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

- The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

- The erosion control structure will not result in a net loss of shoreline ecological functions.

(IV) To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the conditions below apply:

- Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

- The erosion control structure will not result in a net loss of shoreline ecological functions.

(C) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

- The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.

- Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

- Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.

- Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

- For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

(D) Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

(E) When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions.

- Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

- Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Where feasible, incorporate ecological restoration and public access improvements into the project.

- Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts. If beach erosion is threatening existing development, local governments should adopt

master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

(F) For erosion or mass wasting due to upland conditions, see WAC 173-26-221 (2)(c)(ii).

(b) **Piers and docks.** New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

New pier or dock construction, excluding docks accessory to single-family residences, should be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. If a port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the local government and consistent with these guidelines, it may serve as the necessary justification for pier design, size, and construction. The intent of this provision is to allow ports and other entities the flexibility necessary to provide for existing and future water-dependent uses.

Where new piers or docks are allowed, master programs should contain provisions to require new residential development of two or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.

Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift. See WAC 173-26-221 (2)(c)(iii) and (iv). Master programs should require that structures be made of materials that have been approved by applicable state agencies.

(c) **Fill.** Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support: Water-dependent use, public access, cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the department of natural resources, expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible, mitigation action, environmental restoration, beach nourishment or enhancement project. Fills waterward of the ordinary

high-water mark for any use except ecological restoration should require a conditional use permit.

(d) **Breakwaters, jetties, groins, and weirs.** Breakwaters, jetties, groins, and weirs located waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose. Breakwaters, jetties, groins, weirs, and similar structures should require a conditional use permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in WAC 173-26-201 (2)(e).

(e) **Beach and dunes management.** Washington's beaches and their associated dunes lie along the Pacific Ocean coast between Point Grenville and Cape Disappointment, and as shorelines of statewide significance are mandated to be managed from a statewide perspective by the act. Beaches and dunes within shoreline jurisdiction shall be managed to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beaches. Beaches and dunes should also be managed to reduce the hazard to human life and property from natural or human-induced actions associated with these areas.

Shoreline master programs in coastal marine areas shall provide for diverse and appropriate use of beach and dune areas consistent with their ecological, recreational, aesthetic, and economic values, and consistent with the natural limitations of beaches, dunes, and dune vegetation for development. Coastal master programs shall institute development setbacks from the shoreline to prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dune.

"Dune modification" is the removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter the dune's shape or sediment migration. Dune modification may be proposed for a number of purposes, including protection of property, flood and storm hazard reduction, erosion prevention, and ecological restoration.

Coastal dune modification shall be allowed only consistent with state and federal flood protection standards and when it will not result in a net loss of shoreline ecological functions or significant adverse impacts to other shoreline resources and values.

Dune modification to protect views of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy, and then only in conformance with the above provisions.

(f) **Dredging and dredge material disposal.** Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. Dredging for the purpose of establish-

ing, expanding, or relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project. Master programs should include provisions for uses of suitable dredge material that benefit shoreline resources. Where applicable, master programs should provide for the implementation of adopted regional interagency dredge material management plans or watershed management planning.

Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require a conditional use permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

(g) Shoreline habitat and natural systems enhancement projects. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

Master programs should include provisions fostering habitat and natural system enhancement projects. Such projects may include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline. Master program provisions should assure that the projects address legitimate restoration needs and priorities and facilitate implementation of the restoration plan developed pursuant to WAC 173-26-201 (2)(f).

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-231, filed 12/17/03, effective 1/17/04.]

WAC 173-26-241 Shoreline uses. (1) Applicability. The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. Master programs should include these, where applicable, and should include specific use provisions for other common uses and types of development in the jurisdiction. All uses and development must be consistent with the provisions of the environment designation in which they are located and the general regulations of the master program.

(2) General use provisions.

(a) Principles. Shoreline master programs shall implement the following principles:

(i) Establish a system of use regulations and environment designation provisions consistent with WAC 173-26-201 (2)(d) and 173-26-211 that gives preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.

(ii) Ensure that all shoreline master program provisions concerning proposed development of property are established, as necessary, to protect the public's health, safety, and welfare, as well as the land and its vegetation and wildlife, and to protect property rights while implementing the policies of the Shoreline Management Act.

(iii) Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.

(iv) Establish use regulations designed to assure no net loss of ecological functions associated with the shoreline.

(b) Conditional uses.

(i) Master programs shall define the types of uses and development that require shoreline conditional use permits pursuant to RCW 90.58.100(5). Requirements for a conditional use permit may be used for a variety of purposes, including:

- To effectively address unanticipated uses that are not classified in the master program as described in WAC 173-27-030.

- To address cumulative impacts.

- To provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within a master program or with the Shoreline Management Act policies.

In these cases, allowing a given use as a conditional use could provide greater flexibility within the master program than if the use were prohibited outright.

(ii) If master programs permit the following types of uses and development, they should require a conditional use permit:

(A) Uses and development that may significantly impair or alter the public's use of the water areas of the state.

(B) Uses and development which, by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditions.

(C) Development in critical saltwater habitats.

(iii) The provisions of this section are minimum requirements and are not intended to limit local government's ability to identify other uses and developments within the master program as conditional uses where necessary or appropriate.

(3) Standards. Master programs shall establish a comprehensive program of use regulations for shorelines and shall incorporate provisions for specific uses consistent with

the following as necessary to assure consistency with the policy of the act and where relevant within the jurisdiction.

(a) Agriculture.

(i) For the purposes of this section, the terms agricultural activities, agricultural products, agricultural equipment and facilities and agricultural land shall have the specific meanings as provided in WAC 173-26-020.

(ii) Master programs shall not require modification of or limit agricultural activities occurring on agricultural lands. In jurisdictions where agricultural activities occur, master programs shall include provisions addressing new agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities.

(iii) Nothing in this section limits or changes the terms of the current exception to the definition of substantial development. A substantial development permit is required for any agricultural development not specifically exempted by the provisions of RCW 90.58.030 (3)(e)(iv).

(iv) Master programs shall use definitions consistent with the definitions found in WAC 173-26-020(3).

(v) New agricultural activities are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use. Master programs shall include provisions for new agricultural activities to assure that:

(A) Specific uses and developments in support of agricultural use are consistent with the environment designation in which the land is located.

(B) Agricultural uses and development in support of agricultural uses, are located and designed to assure no net loss of ecological functions and to not have a significant adverse impact on other shoreline resources and values.

Measures appropriate to meet these requirements include provisions addressing water quality protection, and vegetation conservation, as described in WAC 173-26-220 (5) and (6). Requirements for buffers for agricultural development shall be based on scientific and technical information and management practices adopted by the applicable state agencies necessary to preserve the ecological functions and qualities of the shoreline environment.

(vi) Master programs shall include provisions to assure that development on agricultural land that does not meet the definition of agricultural activities, and the conversion of agricultural land to nonagricultural uses, shall be consistent with the environment designation, and the general and specific use regulations applicable to the proposed use and do not result in a net loss of ecological functions associated with the shoreline.

(b) Aquaculture. Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. This activity is of statewide interest. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible

types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions.

Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Local shoreline master programs should therefore recognize the necessity for some latitude in the development of this use as well as its potential impact on existing uses and natural systems.

Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-020.

(c) Boating facilities. For the purposes of this chapter, "boating facilities" excludes docks serving four or fewer single-family residences. Shoreline master programs shall contain provisions to assure no net loss of ecological functions as a result of development of boating facilities while providing the boating public recreational opportunities on waters of the state.

Where applicable, shoreline master programs should, at a minimum, contain:

(i) Provisions to ensure that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses.

(ii) Provisions that assure that facilities meet health, safety, and welfare requirements. Master programs may reference other regulations to accomplish this requirement.

(iii) Regulations to avoid, or if that is not possible, to mitigate aesthetic impacts.

(iv) Provisions for public access in new marinas, particularly where water-enjoyment uses are associated with the marina, in accordance with WAC 173-26-221(4).

(v) Regulations to limit the impacts to shoreline resources from boaters living in their vessels (live-aboard).

(vi) Regulations that assure that the development of boating facilities, and associated and accessory uses, will not result in a net loss of shoreline ecological functions or other significant adverse impacts.

(vii) Regulations to protect the rights of navigation.

(viii) Regulations restricting vessels from extended mooring on waters of the state except as allowed by applicable state regulations and unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

(d) Commercial development. Master programs shall first give preference to water-dependent commercial uses over nonwater-dependent commercial uses; and second, give preference to water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses.

The design, layout and operation of certain commercial uses directly affects their classification with regard to

whether or not they qualify as water-related or water-enjoyment uses. Master programs shall assure that commercial uses that may be authorized as water-related or water-enjoyment uses are required to incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.

Master programs should require that public access and ecological restoration be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible or inappropriate. Where commercial use is proposed for location on land in public ownership, public access should be required. Refer to WAC 173-26-221(4) for public access provisions.

Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria:

(i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or

(ii) Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

In areas designated for commercial use, nonwater-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or public right of way.

Nonwater-dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

Master programs shall assure that commercial development will not result in a net loss of shoreline ecological functions or have significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and public access.

(e) **Forest practices.** Local master programs should rely on the Forest Practices Act and rules implementing the act and the *Forest and Fish Report* as adequate management of commercial forest uses within shoreline jurisdiction. However, local governments shall, where applicable, apply this chapter to Class IV-General forest practices where shorelines are being converted or are expected to be converted to non-forest uses.

Forest practice conversions and other Class IV-General forest practices where there is a likelihood of conversion to nonforest uses, shall assure no net loss of shoreline ecological functions and shall maintain the ecological quality of the watershed's hydrologic system. Master programs shall establish provisions to ensure that all such practices are conducted in a manner consistent with the master program environment designation provisions and the provisions of this chapter. Applicable shoreline master programs should contain provisions to ensure that when forest lands are converted to another use, there will be no net loss of shoreline ecological functions or significant adverse impacts to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and public access.

Master programs shall implement the provisions of RCW 90.58.150 regarding selective removal of timber harvest on shorelines of statewide significance. Exceptions to this standard shall be by conditional use permit only.

Lands designated as "forest lands" pursuant to RCW 36.70A.170 shall be designated consistent with either the "natural," "rural conservancy," environment designation.

Where forest practices fall within the applicability of the Forest Practices Act, local governments should consult with the department of natural resources, other applicable agencies, and local timber owners and operators.

(f) **Industry.** Master programs shall first give preference to water-dependent industrial uses over nonwater-dependent industrial uses; and second, give preference to water-related industrial uses over nonwater-oriented industrial uses.

Regional and statewide needs for water-dependent and water-related industrial facilities should be carefully considered in establishing master program environment designations, use provisions, and space allocations for industrial uses and supporting facilities. Lands designated for industrial development should not include shoreline areas with severe environmental limitations, such as critical areas.

Where industrial development is allowed, master programs shall include provisions that assure that industrial development will be located, designed, or constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.

Master programs should require that industrial development consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC 173-26-221(4).

Where industrial use is proposed for location on land in public ownership, public access should be required. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated. New nonwater-oriented industrial development should be prohibited on shorelines except when:

(i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or

(ii) Navigability is severely limited at the proposed site; and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

In areas designated for industrial use, nonwater-oriented industrial uses may be allowed if the site is physically separated from the shoreline by another property or public right of way.

(g) **In-stream structural uses.** "In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility

service transmission, fish habitat enhancement, or other purpose.

In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

(h) **Mining.** Mining is the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. Historically, the most common form of mining in shoreline areas is for sand and gravel because of the geomorphic association of rivers and sand and gravel deposits. Mining in the shoreline generally alters the natural character, resources, and ecology of shorelines of the state and may impact critical shoreline resources and ecological functions of the shoreline. However, in some circumstances, mining may be designed to have benefits for shoreline resources, such as creation of off channel habitat for fish or habitat for wildlife. Activities associated with shoreline mining, such as processing and transportation, also generally have the potential to impact shoreline resources unless the impacts of those associated activities are evaluated and properly managed in accordance with applicable provisions of the master program.

A shoreline master program should accomplish two purposes in addressing mining. First, identify where mining may be an appropriate use of the shoreline, which is addressed in this section and in the environment designation sections above. Second, ensure that when mining or associated activities in the shoreline are authorized, those activities will be properly sited, designed, conducted, and completed so that it will cause no net loss of ecological functions of the shoreline.

(i) Identification of shoreline areas where mining may be designated as appropriate shall:

(A) Be consistent with the environment designation provisions of WAC 173-26-211 and where applicable WAC 173-26-251(2) regarding shorelines of statewide significance; and

(B) Be consistent with local government designation of mineral resource lands with long-term significance as provided for in RCW 36.70A.170 (1)(c), 36.70A.130, and 36.70A.131; and

(C) Be based on a showing that mining is dependent on a shoreline location in the city or county, or portion thereof, which requires evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction, as well as evaluation of need for such mineral resources, economic, transportation, and land use factors. This showing may rely on analysis or studies prepared for purposes of GMA designations, be integrated with any relevant environmental review conducted under SEPA (chapter 43.21C RCW), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a).

(ii) Master programs shall include policies and regulations for mining, when authorized, that accomplish the following:

(A) New mining and associated activities shall be designed and conducted to comply with the regulations of the environment designation and the provisions applicable to critical areas where relevant. Accordingly, meeting the no net loss of ecological function standard shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate, however, to determine whether there will be no net loss of ecological function based on evaluation of final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.

(B) Master program provisions and permit requirements for mining should be coordinated with the requirements of chapter 78.44 RCW.

(C) Master programs shall assure that proposed subsequent use of mined property is consistent with the provisions of the environment designation in which the property is located and that reclamation of disturbed shoreline areas provides appropriate ecological functions consistent with the setting.

(D) Mining within the active channel or channels (a location waterward of the ordinary high-water mark) of a river shall not be permitted unless:

(I) Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; and

(II) The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

(III) The determinations required by (h)(ii)(D)(I) and (II) of this subsection shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of SEPA (chapter 43.21C RCW) and the SEPA rules (chapter 197-11 WAC).

(IV) In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, local government shall require compliance with this subsection (D) to the extent that no such review has previously been conducted. Where there has been prior review, local government shall review previous determinations comparable to the requirements of this section to assure compliance with this subsection (D) under current site conditions.

(V) The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231 (3)(f).

(E) Mining within any channel migration zone that is within Shoreline Management Act jurisdiction shall require a shoreline conditional use permit.

(i) **Recreational development.** Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Master programs should assure that shoreline recreational development is given priority and is primarily related to access to, enjoyment and use of the water and shorelines of the state. Commercial recreational development should be consistent with the provisions for commercial development in (d) of this

subsection. Provisions related to public recreational development shall assure that the facilities are located, designed and operated in a manner consistent with the purpose of the environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes results.

In accordance with RCW 90.58.100(4), master program provisions shall reflect that state-owned shorelines are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public and give appropriate special consideration to the same.

For all jurisdictions planning under the Growth Management Act, master program recreation policies shall be consistent with growth projections and level-of-service standards established by the applicable comprehensive plan.

(j) Residential development. Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development and the creation of new residential lots through land division.

Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions should include specific regulations for setbacks and buffer areas, density, shoreline armoring, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development and uses and applicable to divisions of land in shoreline jurisdiction.

Residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses. (See RCW 90.58.100(6).)

New over-water residences, including floating homes, are not a preferred use and should be prohibited. It is recognized that certain existing communities of floating and/or over-water homes exist and should be reasonably accommodated to allow improvements associated with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property.

New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access in conformance to the local government's public access planning and this chapter.

Master programs shall include standards for the creation of new residential lots through land division that accomplish the following:

(i) Plats and subdivisions must be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.

(ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

(iii) Implement the provisions of WAC 173-26-211 and 173-26-221.

(k) Transportation and parking. Master programs shall include policies and regulations to provide safe, reasonable, and adequate circulation systems to, and through or over shorelines where necessary and otherwise consistent with these guidelines.

Transportation and parking plans and projects shall be consistent with the master program public access policies, public access plan, and environmental protection provisions.

Circulation system planning shall include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the master program.

Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.

Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Shoreline master programs shall include policies and regulations to minimize the environmental and visual impacts of parking facilities.

(l) Utilities. These provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

Master programs shall include provisions to assure that:

All utility facilities are designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities, that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.

Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions.

Utilities should be located in existing rights of way and corridors whenever possible.

Development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions should be discouraged except where no other feasible alternative exists.

When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-241, filed 12/17/03, effective 1/17/04.]

WAC 173-26-251 Shorelines of statewide significance. (1) **Applicability.** The following section applies to local governments preparing master programs that include shorelines of statewide significance as defined in RCW 90.58.030.

(2) **Principles.** Chapter 90.58 RCW raises the status of shorelines of statewide significance in two ways. First, the Shoreline Management Act sets specific preferences for uses of shorelines of statewide significance. RCW 90.58.020 states:

"The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) *Recognize and protect the statewide interest over local interest;*
- (2) *Preserve the natural character of the shoreline;*
- (3) *Result in long term over short term benefit;*
- (4) *Protect the resources and ecology of the shoreline;*
- (5) *Increase public access to publicly owned areas of the shorelines;*
- (6) *Increase recreational opportunities for the public in the shoreline;*
- (7) *Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."*

Second, the Shoreline Management Act calls for a higher level of effort in implementing its objectives on shorelines of statewide significance. RCW 90.58.090(5) states:

"The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest."

Optimum implementation involves special emphasis on statewide objectives and consultation with state agencies. The state's interests may vary, depending upon the geographic region, type of shoreline, and local conditions. Optimum implementation may involve ensuring that other comprehensive planning policies and regulations support Shoreline Management Act objectives.

Because shoreline ecological resources are linked to other environments, implementation of ecological objectives requires effective management of whole ecosystems. Optimum implementation places a greater imperative on identifying, understanding, and managing ecosystem-wide processes and ecological functions that sustain resources of statewide importance.

(3) **Master program provisions for shorelines of statewide significance.** Because shorelines of statewide significance are major resources from which all people of the state derive benefit, local governments that are preparing master

program provisions for shorelines of statewide significance shall implement the following:

(a) **Statewide interest.** To recognize and protect statewide interest over local interest, consult with applicable state agencies, affected Indian tribes, and statewide interest groups and consider their recommendations in preparing shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations. For example, if an anadromous fish species is affected, the Washington state departments of fish and wildlife and ecology and the governor's salmon recovery office, as well as affected Indian tribes, should, at a minimum, be consulted.

(b) **Preserving resources for future generations.** Prepare master program provisions on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, master programs shall include provisions to contribute to the restoration of those resources.

(c) **Priority uses.** Establish shoreline environment designation policies, boundaries, and use provisions that give preference to those uses described in RCW 90.58.020 (1) through (7). More specifically:

(i) Identify the extent and importance of ecological resources of statewide importance and potential impacts to those resources, both inside and outside the local government's geographic jurisdiction.

(ii) Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance, such as commercial shellfish beds and navigable harbors. Base projections on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies.

(iii) Base public access and recreation requirements on demand projections that take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

(d) **Resources of statewide importance.** Establish development standards that:

(i) Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds, and unique environments. Standards shall consider incremental and cumulative impacts of permitted development and include provisions to insure no net loss of shoreline ecosystems and ecosystem-wide processes.

(ii) Provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance.

(iii) Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance.

(e) **Comprehensive plan consistency.** Assure that other local comprehensive plan provisions are consistent with and support as a high priority the policies for shorelines of statewide significance. Specifically, shoreline master programs should include policies that incorporate the priorities and

optimum implementation directives of chapter 90.58 RCW into comprehensive plan provisions and implementing development regulations.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 04-01-117 (Order 03-02), § 173-26-251, filed 12/17/03, effective 1/17/04.]

PART IV OCEAN MANAGEMENT

WAC 173-26-360 Ocean management. (1) Purpose and intent. This section implements the Ocean Resources Management Act, (RCW 43.143.005 through 43.143.030) enacted in 1989 by the Washington state legislature. The law requires the department of ecology to develop guidelines and policies for the management of ocean uses and to serve as the basis for evaluation and modification of local shoreline management master programs of coastal local governments in Jefferson, Clallam, Grays Harbor, and Pacific counties. The guidelines are intended to clarify state shoreline management policy regarding use of coastal resources, address evolving interest in ocean development and prepare state and local agencies for new ocean developments and activities.

(2) Geographical application. The guidelines apply to Washington's coastal waters from Cape Disappointment at the mouth of the Columbia River north one hundred sixty miles to Cape Flattery at the entrance to the Strait of Juan De Fuca including the offshore ocean area, the near shore area under state ownership, shorelines of the state, and their adjacent uplands. Their broadest application would include an area seaward two hundred miles (RCW 43.143.020) and landward to include those uplands immediately adjacent to land under permit jurisdiction for which consistent planning is required under RCW 90.58.340. The guidelines address uses occurring in Washington's coastal waters, but not impacts generated from activities offshore of Oregon, Alaska, California, or British Columbia or impacts from Washington's offshore on the Strait of Juan de Fuca or other inland marine waters.

(3) Ocean uses defined. Ocean uses are activities or developments involving renewable and/or nonrenewable resources that occur on Washington's coastal waters and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments. Ocean uses involving nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses which generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity.

(4) Relationship to existing management programs. These guidelines augment existing requirements of the Shoreline Management Act, chapter 90.58 RCW, and those chapters in Title 173 of the Washington Administrative Code that implement the act. They are not intended to modify current resource allocation procedures or regulations administered by other agencies, such as the Washington department of fisheries management of commercial, recreational, and tribal fisheries. They are not intended to regulate recreational uses or currently existing commercial uses involving fishing

or other renewable marine or ocean resources. Every effort will be made to take into account tribal interests and programs in the guidelines and master program amendment processes. After inclusion in the state coastal zone management program, these guidelines and resultant master programs will be used for federal consistency purposes in evaluating federal permits and activities in Washington's coastal waters. Participation in the development of these guidelines and subsequent amendments to master programs will not preclude state and local government from opposing the introduction of new uses, such as oil and gas development.

These and other statutes, documents, and regulations referred to or cited in these rules may be reviewed at the department of ecology, headquarters in Lacey, Washington, for which the mailing address is Mailstop PV-11, Olympia, WA 98504.

(5) Regional approach. The guidelines are intended to foster a regional perspective and consistent approach for the management of ocean uses. While local governments may have need to vary their programs to accommodate local circumstances, local government should attempt and the department will review local programs for compliance with these guidelines and chapter 173-16 WAC: Shoreline Management Act guidelines for development of master programs. It is recognized that further amendments to the master programs may be required to address new information on critical and sensitive habitats and environmental impacts of ocean uses or to address future activities, such as oil development. In addition to the criteria in RCW 43.143.030, these guidelines apply to ocean uses until local master program amendments are adopted. The amended master program shall be the basis for review of an action that is either located exclusively in, or its environmental impacts confined to, one county. Where a proposal clearly involves more than one local jurisdiction, the guidelines shall be applied and remain in effect in addition to the provisions of the local master programs.

(6) Permit criteria: Local government and the department may permit ocean or coastal uses and activities as a substantial development, variance or conditional use only if the criteria of RCW 43.143.030(2) listed below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, and Olympic National Park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

(7) General ocean uses guidelines. The following guidelines apply to all ocean uses, their service, distribution, and supply activities and their associated facilities that require shoreline permits.

(a) Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will. Correspondingly, ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts.

(b) Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts.

(c) When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority.

(d) The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.

(e) Chapter 197-11 WAC (SEPA rules) provides guidance in the application of the permit criteria and guidelines of this section. The range of impacts to be considered should be consistent with WAC 197-11-060 (4)(e) and 197-11-792 (2)(c). The determination of significant adverse impacts should be consistent with WAC 197-11-330(3) and 197-11-794. The sequence of actions described in WAC 197-11-768 should be used as an order of preference in evaluating steps to avoid and minimize adverse impacts.

(f) Impacts on commercial resources, such as the crab fishery, on noncommercial resources, such as environmentally critical and sensitive habitats, and on coastal uses, such as loss of equipment or loss of a fishing season, should be considered in determining compensation to mitigate adverse environmental, social and economic impacts to coastal resources and uses.

(g) Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude and/or degree of impact on the resource, jurisdiction and use.

(h) Rehabilitation plans and bonds prepared for ocean uses should address the effects of planned and unanticipated closures, completion of the activity, reasonably anticipated disasters, inflation, new technology, and new information about the environmental impacts to ensure that state of the art technology and methods are used.

(i) Local governments should evaluate their master programs and select the environment(s) for coastal waters that best meets the intent of chapter 173-16 WAC, these guidelines and chapter 90.58 RCW.

(j) Ocean uses and their associated coastal or upland facilities should be located, designed and operated to prevent, avoid, and minimize adverse impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, and areas of high productivity for marine biota such as upwelling and estuaries.

(k) Ocean uses should be located to avoid adverse impacts on proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas.

(l) Ocean uses and their associated facilities should be located and designed to avoid and minimize adverse impacts on historic or culturally significant sites in compliance with chapter 27.34 RCW. Permits in general should contain special provisions that require permittees to comply with chapter 27.53 RCW if any archeological sites or archeological objects such as artifacts and shipwrecks are discovered.

(m) Ocean uses and their distribution, service, and supply vessels and aircraft should be located, designed, and operated in a manner that minimizes adverse impacts on fishing grounds, aquatic lands, or other renewable resource ocean use areas during the established, traditional, and recognized times they are used or when the resource could be adversely impacted.

(n) Ocean use service, supply, and distribution vessels and aircraft should be routed to avoid environmentally critical and sensitive habitats such as sea stacks and wetlands, preserves, sanctuaries, bird colonies, and migration routes, during critical times those areas or species could be affected.

(o) In locating and designing associated onshore facilities, special attention should be given to the environment, the characteristics of the use, and the impact of a probable disaster, in order to assure adjacent uses, habitats, and communities adequate protection from explosions, spills, and other disasters.

(p) Ocean uses and their associated facilities should be located and designed to minimize impacts on existing water dependent businesses and existing land transportation routes to the maximum extent feasible.

(q) Onshore facilities associated with ocean uses should be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there.

(r) Attention should be given to the scheduling and method of constructing ocean use facilities and the location of temporary construction facilities to minimize impacts on tourism, recreation, commercial fishing, local communities, and the environment.

(s) Special attention should be given to the effect that ocean use facilities will have on recreational activities and experiences such as public access, aesthetics, and views.

(t) Detrimental effects on air and water quality, tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, and community culture should be considered in avoiding and minimizing adverse social and economic impacts.

(u) Special attention should be given to designs and methods that prevent, avoid, and minimize adverse impacts such as noise, light, temperature changes, turbidity, water pollution and contaminated sediments on the marine, estuarine or upland environment. Such attention should be given particularly during critical migration periods and life stages of marine species and critical oceanographic processes.

(v) Preproject environmental baseline inventories and assessments and monitoring of ocean uses should be required when little is known about the effects on marine and estuarine

ecosystems, renewable resource uses and coastal communities or the technology involved is likely to change.

(w) Oil and gas, mining, disposal, and energy producing ocean uses should be designed, constructed, and operated in a manner that minimizes environmental impacts on the coastal waters environment, particularly the seabed communities, and minimizes impacts on recreation and existing renewable resource uses such as fishing.

(x) To the extent feasible, the location of oil and gas, and mining facilities should be chosen to avoid and minimize impacts on shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas.

(y) Discontinuance or shutdown of oil and gas, mining or energy producing ocean uses should be done in a manner that minimizes impacts to renewable resource ocean uses such as fishing, and restores the seabed to a condition similar to its original state to the maximum extent feasible.

(8) Oil and gas uses and activities. Oil and gas uses and activities involve the extraction of oil and gas resources from beneath the ocean.

(a) Whenever feasible oil and gas facilities should be located and designed to permit joint use in order to minimize adverse impacts to coastal resources and uses and the environment.

(b) Special attention should be given to the availability and adequacy of general disaster response capabilities in reviewing ocean locations for oil and gas facilities.

(c) Because environmental damage is a very probable impact of oil and gas uses, the adequacy of plans, equipment, staffing, procedures, and demonstrated financial and performance capabilities for preventing, responding to, and mitigating the effects of accidents and disasters such as oil spills should be major considerations in the review of permits for their location and operation. If a permit is issued, it should ensure that adequate prevention, response, and mitigation can be provided before the use is initiated and throughout the life of the use.

(d) Special attention should be given to the response times for public safety services such as police, fire, emergency medical, and hazardous materials spill response services in providing and reviewing onshore locations for oil and gas facilities.

(e) Oil and gas facilities including pipelines should be located, designed, constructed, and maintained in conformance with applicable requirements but should at a minimum ensure adequate protection from geological hazards such as liquefaction, hazardous slopes, earthquakes, physical oceanographic processes, and natural disasters.

(f) Upland disposal of oil and gas construction and operation materials and waste products such as cuttings and drilling muds should be allowed only in sites that meet applicable requirements.

(9) Ocean mining. Ocean mining includes such uses as the mining of metal, mineral, sand, and gravel resources from the sea floor.

(a) Seafloor mining should be located and operated to avoid detrimental effects on ground fishing or other renewable resource uses.

(b) Seafloor mining should be located and operated to avoid detrimental effects on beach erosion or accretion processes.

(c) Special attention should be given to habitat recovery rates in the review of permits for seafloor mining.

(10) Energy production. Energy production uses involve the production of energy in a usable form directly in or on the ocean rather than extracting a raw material that is transported elsewhere to produce energy in a readily usable form. Examples of these ocean uses are facilities that use wave action or differences in water temperature to generate electricity.

(a) Energy-producing uses should be located, constructed, and operated in a manner that has no detrimental effects on beach accretion or erosion and wave processes.

(b) An assessment should be made of the effect of energy producing uses on upwelling, and other oceanographic and ecosystem processes.

(c) Associated energy distribution facilities and lines should be located in existing utility rights of way and corridors whenever feasible, rather than creating new corridors that would be detrimental to the aesthetic qualities of the shoreline area.

(11) Ocean disposal. Ocean disposal uses involve the deliberate deposition or release of material at sea, such as solid wastes, industrial waste, radioactive waste, incineration, incinerator residue, dredged materials, vessels, aircraft, ordnance, platforms, or other man-made structures.

(a) Storage, loading, transporting, and disposal of materials shall be done in conformance with local, state, and federal requirements for protection of the environment.

(b) Ocean disposal shall be allowed only in sites that have been approved by the Washington department of ecology, the Washington department of natural resources, the United States Environmental Protection Agency, and the United States Army Corps of Engineers as appropriate.

(c) Ocean disposal sites should be located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development. Ocean disposal sites for which the primary purpose is habitat enhancement may be located in a wider variety of habitats, but the general intent of the guidelines should still be met.

(12) Transportation. Ocean transportation includes such uses as: Shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports. The following guidelines address transportation activities that originate or conclude in Washington's coastal waters or are transporting a nonrenewable resource extracted from the outer continental shelf off Washington.

(a) An assessment should be made of the impact transportation uses will have on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves and sanctuaries.

(b) When feasible, hazardous materials such as oil, gas, explosives and chemicals, should not be transported through highly productive commercial, tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk.

(c) Transportation uses should be located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes

of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible.

(13) Ocean research. Ocean research activities involve scientific investigation for the purpose of furthering knowledge and understanding. Investigation activities involving necessary and functionally related precursor activities to an ocean use or development may be considered exploration or part of the use or development. Since ocean research often involves activities and equipment, such as drilling and vessels, that also occur in exploration and ocean uses or developments, a case by case determination of the applicable regulations may be necessary.

(a) Ocean research should be encouraged to coordinate with other ocean uses occurring in the same area to minimize potential conflicts.

(b) Ocean research meeting the definition of "exploration activity" of WAC 173-15-020 shall comply with the requirements of chapter 173-15 WAC: Permits for oil or natural gas exploration activities conducted from state marine waters.

(c) Ocean research should be located and operated in a manner that minimizes intrusion into or disturbance of the coastal waters environment consistent with the purposes of the research and the intent of the general ocean use guidelines.

(d) Ocean research should be completed or discontinued in a manner that restores the environment to its original condition to the maximum extent feasible, consistent with the purposes of the research.

(e) Public dissemination of ocean research findings should be encouraged.

(14) Ocean salvage. Ocean salvage uses share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Historic shipwreck salvage which combines aspects of recreation, exploration, research, and mining is an example of such a use.

(a) Nonemergency marine salvage and historic shipwreck salvage activities should be conducted in a manner that minimizes adverse impacts to the coastal waters environment and renewable resource uses such as fishing.

(b) Nonemergency marine salvage and historic shipwreck salvage activities should not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies.

[Statutory Authority: RCW 90.58.060 and 90.58.200. 00-24-031 (Order 95-17a), recodified as § 173-26-360, filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.195. 91-10-033 (Order 91-08), § 173-16-064, filed 4/24/91, effective 5/25/91.]

Chapter 173-27 WAC

SHORELINE MANAGEMENT PERMIT AND ENFORCEMENT PROCEDURES

WAC

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PART I

PERMITS FOR DEVELOPMENT ON SHORELINES OF THE STATE

WAC 173-27-010 Authority. The provisions of this part implement the requirements of chapter 90.58 RCW, the Shoreline Management Act. Specifically, RCW 90.58.200 authorizes the adoption of rules as necessary to implement the provisions of the act and RCW 90.58.140(3) requires that the department adopt rules for administration and enforcement of the permit system established by the act.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-010, filed 9/30/96, effective 10/31/96.]

WAC 173-27-020 Purpose. RCW 90.58.140(3) requires local governments to establish a program, consistent with rules adopted by the department of ecology, for the administration and enforcement of the permit system for shoreline management. The local program should be integrated with other local government systems for administration and enforcement of land use regulations. It is the intent of these regulations to provide minimum procedural requirements as necessary to comply with statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances. It is also the intent of these regulations to provide for integration of the shoreline permit into a consolidated environmental review and permit process.

This regulation is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to establish a cooperative program between local government and the state. According to this provision, local

government shall have the primary responsibility for initiating the planning required by the act and administering the regulatory program of shoreline management consistent with the policy and provisions of the act, whereas the department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and on insuring compliance with the policies and provisions of the Shoreline Management Act.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-020, filed 9/30/96, effective 10/31/96.]

WAC 173-27-030 Definitions. The following definitions shall apply:

(1) "Act" means chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;

(2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090(6) or 90.58.190(4) prior to acceptance of a complete application by local government;

(3) "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure;

(4) "Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program;

(5) "Department" means the department of ecology;

(6) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level;

(7) "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program;

(8) "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(9) "Height" is measured from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of resi-

dences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, That temporary construction equipment is excluded in this calculation;

(10) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to chapter 90.58 RCW;

(11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;

(12) "Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail;

(13) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

(14) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development;

(15) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;

(16) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination;

(17) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;

(18) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water;

(19) The definitions and concepts set forth in RCW 90.58.030, and chapters 173-25 and 173-26 WAC also apply as used in this chapter.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-030, filed 9/30/96, effective 10/31/96.]

WAC 173-27-040 Developments exempt from substantial development permit requirement. (1) Application and interpretation of exemptions.

(a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

(b) An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments

must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.

(c) The burden of proof that a development or use is exempt from the permit process is on the applicant.

(d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

(e) Local government may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

(2) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulk-

head is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

(d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

(e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(f) Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located

landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

(i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

(j) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

(l) Any project with a certification from the governor pursuant to chapter 80.50 RCW;

(m) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides

other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550;

(n) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;

(o) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(A) A project that involves less than ten miles of stream-reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(C) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

(p) A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 75.20 RCW; and

(iii) The local government has determined that the project is consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

(3) Hazardous substance remedial actions. The procedural requirements of chapter 90.58 RCW shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department shall, in consultation with the appropriate local government, assure that such projects comply with the substantive requirements of chapter 90.58 RCW, chapter 173-26 WAC and the local master program.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-040, filed 9/30/96, effective 10/31/96.]

WAC 173-27-050 Letter of exemption. Some projects conducted on shorelines of the state also require review and approval by federal agencies. Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The following is intended to facilitate ecology's coordination of local actions, with regard to exempt development, with federal permit review.

(1) The local government shall prepare a letter of exemption, addressed to the applicant and the department, whenever a development is determined by a local government to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:

(a) A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or

(b) A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)

(2) The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the master program and the act.

(3) Local government may specify other developments not described within subsection (1) of this section as requiring a letter of exemption prior to commencement of the development.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-050, filed 9/30/96, effective 10/31/96.]

WAC 173-27-060 Applicability of chapter 90.58 RCW to federal lands and agencies. The policies and pro-

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visions of chapter 90.58 RCW including the permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the Shoreline Management Act for shorelines of the state.

(1) Within the coastal counties.

Direct federal agency actions and projects shall be consistent to the maximum extent practicable with the approved Washington state coastal zone management program subject to certain limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq. (CZMA) and regulations adopted pursuant thereto. Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.

The Shoreline Management Act is incorporated into the Washington state coastal zone management plan and, thereby, those direct federal actions occurring on lands subject to the act must be consistent to the maximum practicable extent with the act, regulations adopted pursuant to the act and with the local master program. Local government is in the best position to determine the appropriate procedure for review of federal development activities at the local level while the state must take action on federal consistency determinations submitted to it.

(a) When the department receives a consistency determination for a development proposed by the federal government on land subject to the act, it shall request that local government review the proposal and respond in writing that the local government:

(i) Cannot make a determination of the consistency of the project with the master program without reviewing the project in the regular permit process; or

(ii) Has reviewed the project for consistency with the local master program without using the permit system. Local government may recommend that the project be approved, approved only under certain specified conditions or denied.

(iii) Defers review of the project to the state.

(b) Upon receipt of a response from local government that a permit is required to make a determination, the department shall inform the requesting agency of the local government finding and shall indicate that concurrence with the consistency determination cannot be granted until a permit is issued. If the local government chooses to review and make a recommendation without using the permit system it shall so notify the department and submit its recommendation to the department within thirty days unless a longer period of time is agreed to by the federal agency and the department. If no response is received from local government within thirty days they shall be deemed to have deferred review of the project.

(c) Nothing in this section shall be deemed to preclude independent review of the project by the state pursuant to any appropriate authority consistent with the approved coastal zone management plan.

(d) The coastal counties, as established in Washington's approved coastal zone management plan, consist of the following counties: Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Pacific and Wahkiakum.

(2) Outside of the coastal counties.

(a) Direct federal agency actions that are reasonably likely to affect any coastal use or resource shall be consistent

with the approved coastal zone management plan to the maximum extent practicable subject to limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq.(CZMA) and regulations adopted pursuant thereto. Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.

(b) Except as provided in (a) of this subsection, federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government or on easements obtained by the federal government for a specified purpose where the proposed development is consistent with the specified purpose, unless under either circumstance the federal government grants or reserves to the state or local government substantial jurisdiction over activities on those lands.

(c) Except as provided in (a) of this subsection, the permit system shall apply to developments undertaken on lands not federally owned but under lease, license, or other similar federal property rights short of fee ownership, to the federal government.

(3) The policies and provisions of chapter 90.58 RCW, including the permit system, shall apply statewide to all non-federal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-060, filed 9/30/96, effective 10/31/96.]

WAC 173-27-070 Application of the permit system to substantial development undertaken prior to the effective date of the act. (1) Substantial development undertaken on the shorelines of the state prior to the effective date of the act shall not require a permit except under the following circumstances:

(a) When the activity was unlawful prior to the effective date of the act.

(b) When there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act.

(c) When the development is not completed within two years after the effective date of the act.

(d) When substantial development occurred prior to the effective date of the act on a shoreline and continued on to a different lake, river or tributary after the effective date, a permit shall be required for the development undertaken after the effective date.

(e) Substantial development undertaken prior to the effective date of the act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced.

(2) When a change in the area subject to the jurisdiction of the act occurs as a result of a determination of jurisdiction by the department based on the provisions of RCW 90.58.030 (2)(d) or (e), the effective date of the act shall be the date the department provides written notice of the change to the local government(s) in which the affected area is located.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-070, filed 9/30/96, effective 10/31/96.]

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WAC 173-27-080 Nonconforming use and development standards. When nonconforming use and development standards do not exist in the applicable master program, the following definitions and standards shall apply:

(1) "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.

(2) Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

(3) Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.

(4) A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

(5) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to pre-existing nonconformities.

(6) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

(a) No reasonable alternative conforming use is practical; and

(b) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

(7) A nonconforming structure which is moved any distance must be brought into conformance with the applicable master program and the act.

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(8) If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

(9) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

(10) An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-080, filed 9/30/96, effective 10/31/96.]

WAC 173-27-090 Time requirements of permit. The following time requirements shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit.

(1) Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and the act, local government may adopt appropriate time limits as a part of action on a substantial development permit and local government, with the approval of the department, may adopt appropriate time limits as a part of action on a conditional use or variance permit: "Good cause based on the requirements and circumstances of the project," shall mean that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.

(2) Where neither local government nor the department include specific provisions establishing time limits on a permit as a part of action on the permit, the following time limits shall apply:

(a) Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years of the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.

(b) Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed

before the expiration date and notice of the proposed extension is given to parties of record and the department.

(3) The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the local government of the pendency of other permit applications filed with agencies other than the local government and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the local government prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.

(4) When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: Provided, That an alternative compliance limit may be specified in the permit.

(5) Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired under subsection (2) of this section: Provided, That this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

(6) Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by this section shall require a new permit application.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-090, filed 9/30/96, effective 10/31/96.]

WAC 173-27-100 Revisions to permits. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.

(2) "Within the scope and intent of the original permit" means all of the following:

(a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;

(d) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;

(e) The use authorized pursuant to the original permit is not changed; and

(f) No adverse environmental impact will be caused by the project revision.

(3) Revisions to permits may be authorized after original permit authorization has expired under WAC 173-27-080(2). The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.

(6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.

(8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of

the original permit, the decision shall have no bearing on the original permit.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-100, filed 9/30/96, effective 10/31/96.]

WAC 173-27-110 Notice required. (1) Local government shall develop and adopt a system which provides for notification of the public, the department and other agencies with jurisdiction of applications for a shoreline management substantial development, conditional use, or variance permit. Notification pursuant to this section may be carried out as a part of an integrated local permit notification procedure.

(2) The system shall assure that notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70B.070 and WAC 173-27-180, and include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, 36.70B.090 and WAC 173-27-180;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) The notification system shall assure that notice to the general public and property owners in the vicinity of such application is given by at least one of the following methods:

(a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed;

(b) Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken; or

(c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

(5) The notification system shall provide for timely notification of individuals and organizations that request such notice in writing.

(6) The notification system shall provide notice to all agencies with jurisdiction per chapter 43.21C RCW and to all other agencies that request in writing any such notice.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-110, filed 9/30/96, effective 10/31/96.]

WAC 173-27-120 Special procedures for limited utility extensions and bulkheads. (1) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

(a) The public comment period shall be twenty days. The notice provided shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(b) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in subsection (2)(a) of this section; and

(c) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(2) For purposes of this section, a limited utility extension means the extension of a utility service that:

(a) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(b) Will serve an existing use in compliance with this chapter; and

(c) Will not extend more than two thousand five hundred linear feet within the shorelines of the state.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-120, filed 9/30/96, effective 10/31/96.]

WAC 173-27-130 Filing with department. (1) All applications for a permit or a permit revision shall be submitted to the department upon a final decision by local government. Final decision by local government shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

(2) When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

(3) A complete submittal shall consist of the following documents and information:

(a) A copy of the complete application pursuant to WAC 173-27-180;

(b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;

(c) The final decision of the local government;

(d) The permit data sheet required by WAC 173-27-190; and

(e) Where applicable, local government shall also file the applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

(4) When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.

(5) Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when all of the documents required pursuant to subsections (3) and (4) of this section have been received by the department. If the department determines that the submittal does not contain all of the documents and information required by this section, the department shall identify the deficiencies and so notify local government and the applicant in writing. The submittal and permit are void unless and until the material requested in writing is submitted to the department.

(6) "Date of filing" of a local government final decision involving approval or denial of a substantial development permit, or involving a denial of a variance or conditional use permit, is the date of actual receipt of a complete submittal by the department.

(7) "Date of filing" of a permit for a conditional use or variance approved by local government, and such permits which also involve concurrent submittal by local government of a substantial development permit, is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant.

(8) The department shall provide a written notice to the local government and the applicant of the "date of filing."

(9) When a permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided to the local government and the department. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the local government, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan and the local government shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with subsection (3) of this section to the department for completion of the file on the permit. The purpose of this provision is to assure that the local and department files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-130, filed 9/30/96, effective 10/31/96.]

WAC 173-27-140 Review criteria for all development. (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-140, filed 9/30/96, effective 10/31/96.]

WAC 173-27-150 Review criteria for substantial development permits. (1) A substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
- (b) The provisions of this regulation; and
- (c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.

(2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-150, filed 9/30/96, effective 10/31/96.]

WAC 173-27-160 Review criteria for conditional use permits. The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- (a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
- (b) That the proposed use will not interfere with the normal public use of public shorelines;
- (c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
- (d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
- (e) That the public interest suffers no substantial detrimental effect.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-160, filed 9/30/96, effective 10/31/96.]

WAC 173-27-170 Review criteria for variance permits. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

(c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

(e) That the variance requested is the minimum necessary to afford relief; and

(f) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

(b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use regulations of the master program are prohibited.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-170, filed 9/30/96, effective 10/31/96.]

WAC 173-27-180 Application requirements for substantial development, conditional use, or variance permit. A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information:

(1) The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

(2) The name, address and phone number of the applicant's representative if other than the applicant.

(3) The name, address and phone number of the property owner, if other than the applicant.

(4) Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

(5) Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.

(6) A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

(7) A general description of the property as it now exists including its physical characteristics and improvements and structures.

(8) A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

(9) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict

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clearly all required information, photographs and text which shall include:

(a) The boundary of the parcel(s) of land upon which the development is proposed.

(b) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

(c) Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

(d) A delineation of all wetland areas that will be altered or used as a part of the development.

(e) A general indication of the character of vegetation found on the site.

(f) The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

(g) Where applicable, a landscaping plan for the project.

(h) Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

(i) Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.

(j) Quantity, composition and destination of any excavated or dredged material.

(k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

(l) Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

(m) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-180, filed 9/30/96, effective 10/31/96.]

WAC 173-27-190 Permits for substantial development, conditional use, or variance. (1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all

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review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

(2) Permits for substantial development, conditional use, or variance may be in any form prescribed and used by local government including a combined permit application form. Such forms will be supplied by local government.

(3) A permit data sheet shall be submitted to the department with each shoreline permit. The permit data sheet form shall be as provided in Appendix A of this regulation.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-190, filed 9/30/96, effective 10/31/96.]

WAC 173-27-200 Department review of conditional use and variance permits. (1) After local government approval of a conditional use or variance permit, local government shall submit the permit to the department for the department's approval, approval with conditions, or denial. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-27-110.

(2) The department shall review the complete file submitted by local government on conditional use and variance permits and any other information submitted or available that is relevant to the application. The department shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the act and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

(3) Local government shall provide timely notification of the department's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-200, filed 9/30/96, effective 10/31/96.]

WAC 173-27-210 Minimum standards for conditional use and variance permits. Pursuant to RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-27-160 and 173-27-170 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. Local government and the department may, in addition, apply the more restrictive criteria where they exist in approved and adopted master programs.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-210, filed 9/30/96, effective 10/31/96.]

WAC 173-27-220 Requests for review. All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-220, filed 9/30/96, effective 10/31/96.]

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PART II SHORELINE MANAGEMENT ACT ENFORCEMENT

WAC 173-27-240 Authority and purpose. This part is adopted under RCW 90.58.200 and 90.58.210 to implement the enforcement responsibilities of the department and local government under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-240, filed 9/30/96, effective 10/31/96.]

WAC 173-27-250 Definitions. The definitions contained in WAC 173-27-030 shall apply in this part also except that the following shall apply when used in this part of the regulations:

(1) "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and

(2) "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-250, filed 9/30/96, effective 10/31/96.]

WAC 173-27-260 Policy. These regulations should be used by local government in carrying out enforcement responsibilities under the act, unless local government adopts separate rules to implement the act's enforcement provision.

Enforcement action by the department or local government may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-260, filed 9/30/96, effective 10/31/96.]

WAC 173-27-270 Order to cease and desist. Local government and/or the department shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the local master program.

(1) Content of order. The order shall set forth and contain:

(a) A description of the specific nature, extent, and time of violation and the damage or potential damage; and

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(b) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.

(2) Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(3) Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-270, filed 9/30/96, effective 10/31/96.]

WAC 173-27-280 Civil penalty. (1) A person who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations may be subject to a civil penalty by local government. The department may impose a penalty jointly with local government, or alone only upon an additional finding that a person:

(a) Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) Has been given previous notice of the same or similar type of violation of the same statute or rule; or

(c) The violation has a probability of placing a person in danger of death or bodily harm; or

(d) Has a probability of causing more than minor environmental harm; or

(e) Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

(2) In the alternative, a penalty may be issued to a person by the department alone, or jointly with local government for violations which do not meet the criteria of subsection (1)(a) through (e) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the agency requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the agency or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

Furthermore, no penalty shall be issued by the department until the individual or business has been given a reasonable time to correct the violation and has not done so.

(3) Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.

(4) Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the vio-

lation shall be considered to have committed a violation for the purposes of the civil penalty.

(5) Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department and/or the local government, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

(6) Application for remission or mitigation. Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the department or local government for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

When a penalty is imposed jointly by the department and local government, it may be remitted or mitigated only upon such terms as both the department and the local government agree.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-280, filed 9/30/96, effective 10/31/96.]

WAC 173-27-290 Appeal of civil penalty. (1) Right of appeal. Persons incurring a penalty imposed by the department or imposed jointly by the department and local government may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority.

(2) Timing of appeal. Appeals shall be filed within thirty days of receipt of notice of penalty unless an application for remission or mitigation is made to the department or local government. If such application is made, appeals shall be filed within thirty days of receipt of local government's and/or the department's decision regarding the remission or mitigation.

(3) Penalties due.

(a) Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of local government's and/or the department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

(b) If the amount of a penalty owed the department is not paid within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington to recover such penalty. If the amount of a penalty owed local government is not paid within thirty days after it becomes due and

payable, local government may take actions necessary to recover such penalty.

(4) Penalty recovered. Penalties recovered by the department shall be paid to the state treasurer. Penalties recovered by local government shall be paid to the local government treasury. Penalties recovered jointly by the department and local government shall be divided equally between the department and the local government unless otherwise stipulated in the order.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-290, filed 9/30/96, effective 10/31/96.]

WAC 173-27-990 Appendix A.

Appendix A

Shoreline Management Act Permit Data Sheet and Transmittal Letter

From: <u>(local government)</u> <hr/> <hr/> <hr/> Date of Transmittal: _____ <u>Type of Permit:</u> (Indicate all that apply) Substantial Development ____; Conditional Use ____; Variance ____; Revision ____; Other _____. <u>Local Government Decision:</u> Approval ____; Conditional Approval ____; Denial ____: <u>Applicant Information:</u> Name: _____ <hr/> Address: _____ <hr/> <hr/> Phone(s): _____ <hr/> Is the applicant the property owner? ____yes ____no <u>Location of the Property:</u> (Section Township and Range to the nearest 1/4, 1/4 Section or latitude and longitude, and a street address where available) <hr/> <hr/> <hr/> <u>Water Body Name:</u> _____ <u>Shoreline of Statewide Significance:</u> Yes ____ No ____. <u>Environment Designation:</u> _____ <u>Description of the Project:</u> (Summary of the intended use or project purpose) <hr/> <hr/> <hr/> <u>Notice of Application Date:</u> _____ <u>Final Decision Date:</u> _____ By: <u>(Local Government Primary Contact on this Application)</u> Phone No: _____	To: <u>(appropriate Ecology office)</u> <hr/> <hr/> <hr/> Date of Receipt: <u>(provided by Ecology)</u> <hr/> <u>Applicant's Representative:</u> (if primary contact) Name: _____ <hr/> Address: _____ <hr/> <hr/> Phone(s): _____ <hr/> <hr/> <hr/>
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[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-990, filed 9/30/96, effective 10/31/96.]

Chapter 173-40 WAC POLLUTION DISCLOSURE

173-40-040 Critical materials registry.
173-40-050 Annual reports.

WAC

173-40-010 Authority.
173-40-020 Purpose.
173-40-030 Definitions.

WAC 173-40-010 Authority. This regulation is adopted pursuant to chapter 90.52 RCW, the Pollution Disclosure Act of 1971, and chapter 43.21A RCW.

[Order 72-26, § 173-40-010, filed 11/27/72.]

WAC 173-40-020 Purpose. Chapter 90.52 RCW requires the director of the department of ecology to adopt a critical materials registry and establish an annual reporting procedure for those operations which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state.

[Order 72-26, § 173-40-020, filed 11/27/72.]

WAC 173-40-030 Definitions. As used herein "director" shall mean the director of the department of ecology. "Department" shall mean the department of ecology. Waters of the state shall include both surface and ground waters.

[Order 72-26, § 173-40-030, filed 11/27/72.]

WAC 173-40-040 Critical materials registry. The director, having consulted with a committee of environmental specialists as required by law, hereby designates the following materials as critical materials to be set forth in a critical materials registry filed at the department:

- Asbestos
- Arsenic, elemental and compounds of
- Barium, soluble salts of
- Beryllium, elemental and compounds of
- Boron, elemental and compounds of
- Cadmium, elemental and compounds of
- Chlorinated hydrocarbons, compounds
- Chlorine, elemental and compounds of
- Chromium, soluble salts and all chromates
- Copper, elemental and compounds of
- Cyanides, compounds including the organic nitriles
- Fluorine, elemental and compounds of
- Lead, elemental and compounds of
- Mercury, elemental and compounds of
- Nickel, soluble salts of
- Organo phosphorus; insecticide, algacide, and slime-cide compounds
- Phenols and polychlorinated biphenyls, compounds
- Selenium, elemental and compounds of
- Silver, soluble salts of
- Zinc, soluble salts of

[Order 72-26, § 173-40-040, filed 11/27/72.]

WAC 173-40-050 Annual reports. Upon notification by the director of the department of ecology, commercial operations including industrial operations which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state, shall file annually, during the month of January, reports, on forms provided by the department. The information required shall pertain to those materials set forth in WAC 173-40-040 above, which are in excess of the corresponding materials occurring in the intake source used by the operation. The information shall also include volumes of process and cooling water to be discharged into the water, air or into any sewer system. The information given is to be an estimate of the amount(s) of such materials to be discharged in the calendar year in which the report is being filed.

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The reports shall be postmarked no later than January 31 and be sent to:

Director
Department of Ecology
Olympia, Washington 98504
ATTN: POLLUTION DISCLOSURE

[Order 72-26, § 173-40-050, filed 11/27/72.]

Chapter 173-44 WAC

FEES—RADIOACTIVE WASTE MANAGEMENT FACILITIES

WAC

173-44-010	Purpose and scope.
173-44-020	Authority.
173-44-030	Definitions.
173-44-040	Perpetual care and maintenance fee.
173-44-050	PCM fee—Method of payment.
173-44-060	PCM fee—Disposition.
173-44-070	Severability.

WAC 173-44-010 Purpose and scope. The proper perpetual care and maintenance of radioactive waste management facilities is required to protect the public health, safety, and welfare. This chapter establishes the fees charged by the Washington state department of ecology for financing the necessary perpetual care and maintenance of radioactive waste management facilities. Promulgation of this regulation is further intended to satisfy the state's financial responsibilities to the United States government pursuant to the perpetual care agreement executed July 29, 1965.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-010, filed 8/30/83. Formerly WAC 173-16-010.]

WAC 173-44-020 Authority. This chapter is promulgated by the state department of ecology pursuant to authority granted in RCW 43.21F.045 and chapter 19, Laws of 1983 1st ex. sess.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-020, filed 8/30/83. Formerly WAC 173-16-020.]

WAC 173-44-030 Definitions. (1) "Facility" means any site, location, structure, or property used or to be used for the storage, disposal, or burial of radioactive materials or waste, which lies within the one hundred acre tract described in the perpetual care agreement between the state of Washington and the United States government executed July 29, 1965.

(2) "Department" means the Washington state department of ecology.

(3) "Perpetual care and maintenance" means the activities necessary to stabilize and secure a closed facility during the perpetual care period, including but not limited to: Trench stabilization; upkeep of erosion control measures, fences, and warning signs; and sampling of monitor wells.

(4) "Sublessee" means a party to a sublease with the state of Washington for a portion of the one thousand acres of land, as described in the state's lease with the United States government executed September 10, 1964, lying within the Hanford Reservation.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-030, filed 8/30/83. Formerly WAC 173-16-030.]

WAC 173-44-040 Perpetual care and maintenance fee. (1) Any sublessee of the state who stores, disposes, or buries radioactive materials or waste at a facility shall pay a perpetual care and maintenance fee.

(2) The perpetual care and maintenance fee shall be one dollar seventy-five cents per cubic foot of radioactive material or waste buried or permanently stored at a facility.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-040, filed 8/30/83. Formerly WAC 173-16-040.]

WAC 173-44-050 PCM fee—Method of payment. (1) The perpetual care and maintenance fee shall be due on a quarterly basis for the quarters ending January 15, April 15, July 15, and October 15. All perpetual care and maintenance fee payments shall be paid within forty-five days after the due date.

(2) Perpetual care and maintenance payments shall be by check, draft, or money order payable to the Washington state department of ecology.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-050, filed 8/30/83. Formerly WAC 173-16-050.]

WAC 173-44-060 PCM fee—Disposition. (1) Upon receipt of perpetual care and maintenance fee payments, the department shall transmit such payments to the state treasurer for deposit in the perpetual maintenance account authorized by chapter 19, Laws of 1983 1st ex. sess.

(2) Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account.

(3) The department shall maintain a segregated account of perpetual care and maintenance fee payments which are deposited in the perpetual maintenance account.

(4) The department, in consultation with the state radiation control agency, shall periodically evaluate the perpetual care and maintenance fee to determine whether it will provide adequate financing to assure perpetual care and maintenance of a closed facility. Any adjustments to the fees shall be made by rule adopted pursuant to chapter 34.04 RCW.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-060, filed 8/30/83. Formerly WAC 173-16-060.]

WAC 173-44-070 Severability. If any portion of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-070, filed 8/30/83. Formerly WAC 173-16-070.]

[Title 173 WAC—p. 184]

Chapter 173-50 WAC

ACCREDITATION OF ENVIRONMENTAL LABORATORIES

WAC

173-50-010	Purpose.
173-50-020	Scope.
173-50-030	Objectives.
173-50-040	Definitions.
173-50-050	Responsibilities of the department.
173-50-060	Responsibilities of environmental laboratories.
173-50-063	Application.
173-50-067	Quality assurance manual.
173-50-070	Performance audit.
173-50-080	On-site assessment.
173-50-090	Evaluation and issuance of certificate.
173-50-100	Interim accreditation.
173-50-110	Provisional accreditation.
173-50-120	Accreditation categories.
173-50-130	Requirements for maintaining accreditation status.
173-50-140	Denying accreditation.
173-50-150	Revoking or suspending accreditation.
173-50-160	Reciprocity.
173-50-170	Third-party accreditation.
173-50-180	Exemptions.
173-50-190	Fee structure.
173-50-200	Appeals.
173-50-210	Enforcement.
173-50-220	Assistance to laboratories.

WAC 173-50-010 Purpose. Department of ecology, department of health, and other entities require persons and organizations submitting analytical data under the purview of their programs to use environmental laboratories which are accredited. The purpose of this chapter is to establish a state program for accreditation of environmental laboratories which conduct tests and submit data to the department of ecology, the department of health, and other entities which require the use of accredited laboratories. The accreditation program is designed to satisfy the intent of RCW 43.21A.230 and 43.21A.445.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-010, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-010, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-020 Scope. (1) The environmental laboratory accreditation program applies to laboratories which conduct tests for or prepare analytical data for submittal to any entity requiring the use of an accredited laboratory. This includes laboratories that analyze drinking water. This rule also describes how the department of ecology participates in the National Environmental Laboratory Accreditation Program (NELAP) as an accrediting authority once the department is certified by the National Environmental Laboratory Accreditation Conference (NELAC).

(2) Accreditation in itself does not authorize use of a specific method for any specific program or project. If such authorization is not granted in documentation governing a program or project within which samples are being analyzed, authorization should be obtained from the laboratory's data user.

(3) Accreditation does not guarantee validity of analytical data submitted by the accredited laboratory but rather assures that the laboratory has demonstrated its capability to reliably generate and report the analytical data (WAC 173-50-040, definition of "accreditation").

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-020, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-020, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-030 Objectives. Objectives of the accreditation program are to:

- Assure accredited laboratories have a demonstrated capability to accurately and defensibly analyze environmental samples;
- Assist environmental laboratories in improving their quality assurance/quality control procedures; and
- Foster cooperation between the state departments of ecology and health, local agencies, other users of environmental data, and operators of environmental laboratories.

[Statutory Authority: RCW 43.21A.230, 02-20-090 (Order 01-12), § 173-50-030, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-030, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-040 Definitions. Definitions in this section apply throughout this chapter, unless context clearly indicates otherwise.

"Accreditation" - the formal recognition by the department that an environmental laboratory is capable of producing accurate and defensible analytical data. This recognition is signified by issuance of a written certificate accompanied by a scope of accreditation indicating the parameters for which the laboratory is accredited.

• The term "accredit" as used in this chapter is intended to have the same meaning as the term "certify" as used in RCW 43.21A.230.

• Any laboratory accredited under this chapter shall be deemed to have been certified under RCW 43.21A.230.

• The department does not, by accrediting any laboratory pursuant to these rules, vouch for or warrant the accuracy of any particular work done or report issued by that laboratory.

"Accuracy" - the degree to which an analytical result corresponds to the true or accepted value for the sample being tested. Accuracy is affected by bias and precision.

"Analytical data" - the recorded qualitative and/or quantitative results of a chemical, physical, biological, microbiological, radiochemical, or other scientific determination.

"Department" - the state of Washington department of ecology when the term is not followed by another state designation.

"Drinking water certification manual" - the Environmental Protection Agency *Manual for the Certification of Laboratories Analyzing Drinking Water*, 4th Edition, March 1997.

"Ecology accrediting authority" - the supervisor of the lab accreditation unit of the environmental assessment program of the department of ecology.

"Environmental laboratory" - a facility:

- Under the ownership and technical management of a single entity in a single geographical locale;
- Where scientific examinations are performed on samples taken from the environment, including drinking water samples; and
- Where data is submitted to the department of ecology, department of health, or other entity requiring the use of an

accredited laboratory under provisions of a regulation, permit, or contractual agreement.

"Lab accreditation unit" - the lab accreditation unit of the environmental assessment program of the department of ecology.

"Mandatory analytical method" - a recognized written procedure for acquiring analytical data which is required by law or a regulatory agency of the federal, state, or local government.

"Matrix" means the substance from which a material to be analyzed is extracted, including, but not limited to, ground or surface water, wastewater, drinking water, air, solid waste, soil, tissue, nuclear waste, and hazardous waste. For the purposes of establishing a fee structure (WAC 173-50-190(4)), matrices are grouped as follows:

- Nonpotable water;
- Drinking water;
- Solid and chemical materials; and
- Air and emissions.

NELAP accreditations may include other matrices as designated in the NELAC standards.

"NELAC" - the National Environmental Laboratory Accreditation Conference, a voluntary association of state and federal agencies.

"NELAC standards" - the standards for laboratory accreditation published by NELAC, September 5, 2001.

"NELAP" - the National Environmental Laboratory Accreditation Program governed by NELAC.

"Out-of-state laboratory" - a laboratory that is not located in the state of Washington.

"Parameter" - a single determination or sampling procedure, or group of related determinations or sampling procedures using a specific written method.

"Procedural manual" - the *Procedural Manual for the Environmental Laboratory Accreditation Program* dated November 2002.

"Proficiency testing (PT)" - evaluation of the results from the analysis of samples, the true values of which are known to the supplier of the samples but unknown to the laboratory conducting the analyses. PT samples are provided by a source external to the environmental laboratory.

"Quality control" - activities designed to assure analytical data produced by an environmental laboratory meet data quality objectives for accuracy and defensibility. Those activities may include routine application of statistically based procedures to evaluate and control the accuracy of analytical results.

"Quality assurance (QA)" - activities intended to assure that a quality control program is effective. A QA program is a totally integrated program for assuring reliability of measurement data.

"Quality assurance manual" - a written record intended to assure the reliability of measurement data. A QA manual documents policies, organization, objectives, and specific QC and QA activities. Volume and scope of QA manuals vary with complexity of the laboratory mission.

"Recognized analytical method" - a documented analytical procedure developed through collaborative studies by organizations or groups recognized by the users of the laboratory's analytical data.

"Regulatory program" - a program administered by a federal, state, or other regulatory agency.

"On-site assessment" - an on-site inspection of laboratory capabilities.

"Primary NELAP accreditation" - granting of NELAP accreditation by the ecology accrediting authority after having determined through direct evaluation that the laboratory is in conformance with the NELAC standards.

"Secondary NELAP accreditation" - recognition by the ecology accrediting authority of a NELAP accreditation that was granted by another NELAP accrediting authority.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-040, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-040, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-040, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-040, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-050 Responsibilities of the department.

(1) The department maintains a procedural manual describing specifics of the accreditation process. As a minimum, the procedural manual describes the procedures for:

- Submitting an application and fee;
- Preparing a quality assurance manual;
- Performing proficiency testing;
- Conducting on-site assessments;
- Accrediting out-of-state laboratories;
- Issuing, denying, suspending, and revoking accreditation; and
- Notifying laboratories and authorized government officials of accreditation actions.

The department will make the procedural manual available to all interested persons.

(2) Department personnel assigned to assess the capability of drinking water laboratories participating in the environmental laboratory accreditation program must meet the experience, education, and training requirements established in the Environmental Protection Agency drinking water certification manual.

(3) When granting NELAP accreditations, the ecology accrediting authority is responsible for those actions designated in applicable chapters of the NELAC standards. If a NELAC standard is more stringent than the corresponding standard in this chapter, the NELAC standard applies for laboratories seeking NELAP accreditation.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-050, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-050, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-050, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-050, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-060 Responsibilities of environmental laboratories. When applying for initial accreditation (see WAC 173-50-130 for maintaining an existing accreditation), managers of environmental laboratories must:

- Submit an application (WAC 173-50-063) and required fees (WAC 173-50-190) to the department fiscal officer;
- Submit a copy of the laboratory's quality assurance manual (WAC 173-50-067);
- Submit an initial set of acceptable PT sample analysis results (WAC 173-50-070); and
- Undergo an on-site assessment (WAC 173-50-080).

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-060, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-060, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-060, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-063 Application. (1) Through the application, laboratory managers:

- Request accreditation for specific parameters;
- Calculate fees due the department; and
- Provide evidence that sufficient personnel and equipment are available to successfully perform analytical methods as specified in the application.

(2) Through review of the application submitted by the applicant laboratory, the lab accreditation unit determines if:

- Requested parameters are eligible for accreditation;
- The fee calculated by the applicant laboratory is correct; and
- Personnel and equipment are adequate to support successful performance of requested parameters.

(3) Following the review, the lab accreditation unit advises the applicant laboratory of any required changes.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-063, filed 10/1/02, effective 11/1/02.]

WAC 173-50-067 Quality assurance manual. (1) The lab accreditation unit reviews and approves the laboratory's QA manual prior to the initial on-site assessment. The QA manual submitted concurrently with the application must be in detail and scope commensurate with the size and mission of the laboratory. Guidelines for contents of the QA manual are in the procedural manual.

(2) The QA manual must address QA and QC requirements of applicable regulatory programs. For drinking water laboratories, such requirements are found in the drinking water certification manual.

(3) For laboratories applying for primary NELAP accreditation, QA requirements, including the conduct of specific QC tests, are those designated in the NELAC standards. If a NELAC standard is more stringent than the corresponding standard in this chapter, the NELAC standard applies for laboratories seeking NELAP accreditation.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-067, filed 10/1/02, effective 11/1/02.]

WAC 173-50-070 Performance audit. (1) The lab accreditation unit advises applying laboratories of specific requirements for proficiency tests. Such tests are completed for applicable parameters no more frequently than twice annually. Current proficiency tests conducted under the provisions of other recognized programs may be used to satisfy the accreditation program proficiency testing requirement. The lab accreditation unit determines the sufficiency of such audits.

(2) Drinking water laboratories must analyze a minimum of one PT sample per applicable microbiology parameter per year and two PT samples for applicable chemistry parameters per year.

(3) The lab accreditation unit may require the laboratory to submit raw data along with the report of analysis of PT samples.

(4) The lab accreditation unit may waive proficiency tests for certain parameters if PT samples are not readily available or for other valid reasons.

(5) Applying laboratories are responsible for obtaining PT samples from vendors certified by the National Institute of Standards and Technology (NIST) or otherwise approved by the lab accreditation unit. No fee shall be charged to the department for the purchase or analysis of PT samples.

(6) For laboratories applying for NELAP accreditation, proficiency testing requirements are those designated in the NELAC standards. If the NELAC standard is more stringent than the corresponding standard in this chapter, the NELAC standard applies for laboratories seeking NELAP accreditation.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-070, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-070, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-070, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-070, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-080 On-site assessment. The laboratory must undergo a system audit by the department to assess critical elements and areas of recommended practices. The laboratory must assist/accommodate department of ecology personnel during on-site assessments as required.

(1) **Critical elements for accreditation.** Elements of an environmental laboratory's operations which are critical to the consistent generation of accurate and defensible data are critical elements for accreditation. Critical elements are subject of intense scrutiny throughout the accreditation process. The ecology accrediting authority may deny, revoke, or suspend accreditation for deficiencies in critical elements. Functional areas including critical elements are:

(a) **Analytical methods.** The on-site assessment seeks to determine if documentation of mandatory or recognized analytical methods:

- Are present at the laboratory;
- Readily available to analysts; and
- Being implemented. If the laboratory is using a locally-developed method, the on-site assessment may include an evaluation of the adequacy of that method.

(b) **Equipment and supplies.** The on-site assessment seeks to determine if sufficient equipment and supplies as required by analytical methods are:

- Available;
- Being adequately maintained; and
- In a condition to allow successful performance of applicable analytical procedures.

To gain and maintain accreditation, laboratories must demonstrate that equipment and supply requirements of applicable regulatory programs are being met.

(c) **QA and QC records.** The on-site assessment includes a review of QA and QC records for programs/projects within which the laboratory is generating analytical data for submission to the data user.

(d) **Sample management.** The on-site assessment includes a review of applicable procedures for receipt, preservation, transportation, and storage of samples. The laboratory is responsible only for those elements of sample management over which it has direct control. To gain and maintain accreditation, laboratories must demonstrate that sample

management requirements of applicable regulatory programs are being met.

(e) **Data management.** The on-site assessment includes a review of activities necessary to assure accurate management of laboratory data including:

- Raw data;
- Calculations;
- Transcription, computer data entry, reports of analytical results.

To gain and maintain accreditation, laboratories must demonstrate that data management requirements of applicable regulatory programs are being met.

(2) **Recommended practices.** Recommended practices are those elements of laboratory operations which might affect efficiency, safety, and other administrative functions, but do not normally affect quality of analytical data. Normally these practices would not be the basis for denial or revocation of accreditation status. Functional areas within which recommended practices may be noted are:

(a) **Personnel.** The department seeks to determine if managerial, supervisory, and technical personnel have adequate training and experience to allow satisfactory completion of analytical procedures and compilation of reliable, accurate data. Minimum recommended education and experience criteria for laboratory personnel are specified in the program procedural manual.

(b) **Facilities.** The department seeks to determine if laboratory facilities allow efficient generation of reliable, accurate data in a safe environment.

(c) **Safety.** The department may refer serious safety deficiencies to appropriate state or federal agencies.

(3) **NELAC requirements.** For laboratories applying for NELAP accreditation, on-site assessment requirements are those designated in the NELAC standards. If the NELAC standard is more stringent than the corresponding standard in this chapter, the NELAC standard applies.

(4) **Drinking water laboratory requirements.** For laboratories applying for accreditation of drinking water parameters, on-site assessment requirements are those designated in the drinking water certification manual. If such a standard is more stringent than the corresponding standard in this chapter, the drinking water certification manual applies.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-080, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-080, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-080, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-080, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-090 Evaluation and issuance of certificate. (1) After preliminary requirements (WAC 173-50-060 through 173-50-080) have been met, the lab accreditation unit submits a report to the affected laboratory concerning the results of the overall accreditation process. The report:

- Lists findings;
- Assesses the importance of each finding; and
- Makes recommendations concerning actions necessary to assure resolution of problems.

(2) After completing the accreditation review, the ecology accrediting authority decides whether accreditation should be granted.

(a) If accreditation is warranted, the department issues a certificate and accompanying scope of accreditation. The certificate remains the property of the department and must be surrendered to the department upon revocation of accreditation status.

(b) If accreditation is not warranted, the department issues a report specifying areas of deficiency and steps necessary to upgrade the laboratory to accredited status. In such cases, the laboratory must provide documentation that the specified deficiencies have been corrected. Based on such documentation the ecology accrediting authority decides whether to grant or deny accreditation.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-090, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-090, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-090, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-090, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-100 Interim accreditation. (1) If for valid reasons resulting from a deficiency in the department and not the laboratory, interim accreditation may be granted. To be considered for interim accreditation, the laboratory must:

- Submit an application and applicable fees;
- Successfully complete applicable proficiency tests; and
- Submit a QA manual that meets the requirements of WAC 173-050-067.

The lab accreditation unit may also require the laboratory to submit an analytical data package as evidence of analytical capability.

(2) For NELAP accreditation, the only valid reason for granting interim accreditation is the delay of an on-site assessment for reasons beyond the control of the laboratory.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-100, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-100, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-100, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-100, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-110 Provisional accreditation. (1) The ecology accrediting authority may grant provisional accreditation to laboratories which can consistently produce valid analytical data but have deficiencies requiring corrective action. When the laboratory has corrected such deficiencies, it must provide evidence of correction to the lab accreditation unit, or request a follow-up on-site assessment, as appropriate. If the lab accreditation unit determines the deficiencies have been corrected, the ecology accrediting authority awards full accreditation as in WAC 173-50-090.

(2) The ecology accrediting authority may renew a provisional accreditation for a subsequent accreditation period if laboratory management has demonstrated that all reasonable measures to correct deficiencies have been exhausted.

(3) For drinking water laboratories, specific conditions warranting provisional accreditation and specific actions required of the laboratory when provisional accreditation is granted are found in the drinking water certification manual.

(4) Provisional accreditation does not apply to NELAP accreditations.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-110, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-

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110, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-110, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-120 Accreditation categories. (1) Environmental laboratories are accredited within one or more of the matrix groups defined in WAC 173-50-040. Additionally, accreditation is granted within the following broad categories:

- Chemistry I (General);
- Chemistry II (Trace Metals);
- Organics I (Gas Chromatography (GC) and High Pressure Liquid Chromatography (HPLC) Methods);
- Organics II (Gas Chromatography/Mass Spectrometry (GC/MS) Methods);
- Radioactivity;
- Microbiology;
- Bioassay/Toxicity;
- Immunoassay; and
- Physical.

Within these categories, laboratories are specifically accredited for well-defined parameters, such as, but not limited to, those suggested in the procedural manual, using specific, recognized analytical methods or sampling techniques chosen by the applying laboratory.

(2) The scope of accreditation accompanying the accreditation certificate indicates the parameters for which the laboratory is accredited, and any applicable qualifications, such as interim or provisional accreditation.

(3) For laboratories granted NELAP accreditation, the scope of accreditation also indicates the matrix groups within which each parameter applies. Those matrix groups may include, but are not limited to:

- Nonpotable water;
- Drinking water;
- Solid and chemical materials;
- Biological tissue; and
- Air and emissions.

For laboratories granted NELAP accreditation, the scope of accreditation may also indicate the technology, such as gas chromatography/electron capture detection (GC/ECD) or inductively coupled plasma/mass spectrometry (ICP/MS), associated with each parameter.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-120, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-120, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-120, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-120, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-130 Requirements for maintaining accreditation status. (1) Accreditation is granted for a one-year period and expires one year after the effective date of accreditation. Except for NELAP accreditation which is limited to one year, exceptions to the one year accreditation may be made for documented cause. In such cases, accreditation may be granted for a period up to two years.

(2) Renewal requires the laboratory to submit:

- An application and appropriate fees;
- An update of the laboratory's quality assurance manual if applicable; and
- Successful completion of proficiency testing requirements.

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On-site assessments are required at periods not to exceed three years from the previous on-site assessment. For documented cause, on-site assessments may be extended up to four years from the previous assessment, except for laboratories accredited to analyze drinking water and NELAP accredited laboratories.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-130, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-130, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-130, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-130, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-140 Denying accreditation. (1) The ecology accrediting authority may deny accreditation if the applicant laboratory:

- Fails to comply with standards for critical elements of the on-site assessment;
- Misrepresents itself to the department;
- Fails to disclose pertinent information in the application;
- Falsifies reports of analysis including PT results;
- Engages in unethical or fraudulent practices concerning generation of analytical data;
- Is deficient in its ability to provide accurate and defensible analytical data; or
- Fails to render applicable fees.

(2) A laboratory may be denied accreditation for a specific parameter for unsatisfactory analysis of that parameter in proficiency tests.

(3) Laboratories denied accreditation may appeal under the provisions of WAC 173-50-200. If an appeal does not result in action favorable to the laboratory, and following correction of deficiencies, laboratories denied accreditation may reapply for accreditation to include payment of appropriate fees as determined in WAC 173-50-190.

(4) Reasons for denial of NELAP accreditation are as specified in the NELAC standards.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-140, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-140, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-140, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-150 Revoking or suspending accreditation. (1) Revocation of accreditation is the withdrawal of a previously granted accreditation. Revocation may involve the entire laboratory or one or more individual parameters. Suspension of accreditation is for a specified period not to exceed six months during which the affected laboratory corrects deficiencies that led to the suspension. Suspension may involve the entire laboratory, or one or more individual parameters.

(2) The ecology accrediting authority may suspend or revoke accreditation if the accredited laboratory:

- Fails to comply with standards for critical elements of an on-site assessment;
- Violates a state rule relative to the analytical procedures for which it is accredited;
- Misrepresents itself to the department;
- Falsifies reports of analysis including PT results;
- Engages in unethical or fraudulent practices concerning generation of analytical data;

(2007 Ed.)

• Is deficient in its ability to provide accurate and defensible analytical data; or

• Refuses to permit for enforcement purposes (WAC 173-50-210).

(3) A laboratory having had its accreditation suspended or revoked may appeal under the provisions of WAC 173-50-200. If an appeal does not result in action favorable to the laboratory, and following correction of deficiencies, a laboratory having had its accreditation revoked may reapply for accreditation to include payment of appropriate fees as determined in WAC 173-50-190.

(4) Reasons for revocation or suspension of NELAP accreditation are as specified in the NELAC standards.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-150, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-150, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-150, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-160 Reciprocity. (1) The department may recognize accreditation (or certification, registration, licensure, approval) of an out-of-state laboratory by the laboratory's home state with which the department has established a reciprocity agreement.

(2) The out-of-state laboratory must submit:

- An application and associated fee (WAC 173-50-190(8));
- A copy of the other state's certificate;
- A copy of the other state's scope of accreditation;
- A copy of the other state's most recent on-site assessment report;
- A copy of the laboratory's corrective action report relative to the on-site assessment; and
- A complete set of the most recent PT results for applicable parameters.

(3) In consideration of a request to recognize a reciprocity agreement as the basis for accreditation by the ecology accrediting authority, the lab accreditation unit reviews the application and supporting documentation to assure compliance with minimum accreditation requirements as stated in this chapter. If the review is favorable, a certificate and scope of accreditation are granted as in WAC 173-50-090.

(4) In granting secondary NELAP accreditation, the ecology accrediting authority must recognize the accreditation of other NELAP accrediting authorities.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-160, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-160, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-170 Third-party accreditation. (1) The department may recognize accreditation (or certification, registration, licensure, approval) of a laboratory by a third party when the accreditation process is determined to be equivalent to that described in this chapter.

(2) Laboratories applying for recognition of third party's accreditation submit:

- An application and associated fee (WAC 173-50-190(7));
- A copy of the third party's certificate;
- A copy of the third party's scope of accreditation;

- A copy of the third party's most recent on-site assessment report;
- A copy of the laboratory's corrective action report relative to the on-site assessment; and
- A complete set of the most recent PT results for the applicable parameters.

(3) In consideration of a request to recognize a third party's accreditation as the basis for accreditation by the ecology accrediting authority, the lab accreditation unit reviews the application and supporting documentation to assure compliance with minimum accreditation requirements as stated in this chapter. If the review is favorable, a certificate and scope of accreditation are granted as in WAC 173-50-090.

(4) Washington laboratories accredited or applying for accreditation in recognition of a third party's accreditation must notify the lab accreditation unit of on-site assessments scheduled by the third party and allow a department observer to attend such on-site assessments.

(5) Primary NELAP accreditation cannot be granted in recognition of the accreditation by a third party.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-170, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-170, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-180 Exemptions. (1) The application form provides for wastewater dischargers whose laboratories meet the exemption qualifications of RCW 43.21A.230 to request exemption from the accreditation program. Those laboratories shall be required to submit evidence that they are participating in a federal Environmental Protection Agency Administered Quality Assurance Program including as a minimum the following elements: Current QA program/project plans; performance evaluation audits; system audits; corrective action for audit deficiencies; quality control guidelines and records; and training in quality assurance for laboratory management personnel. The department shall grant exemption from accreditation requirements of this chapter upon receipt of confirmation from Region 10 of the federal Environmental Protection Agency of such participation by a laboratory.

(2) Exemption is granted only for those analytical parameters included in the federal Environmental Protection Agency Quality Assurance Program. The exemption status shall be reviewed annually based upon submittal by the laboratory of a new application and updated evidence of continued participation in a sufficient quality assurance program.

Note: The federal Environmental Protection Agency does not presently administer a complete quality assurance program for wastewater dischargers in the state of Washington, such as would provide an exemption under subsection (1) of this section. Thus, this exemption is not presently available. The Environmental Protection Agency considers annual analysis of performance evaluation samples to constitute only one element of participation in a quality assurance program. The complete Environmental Protection Agency Quality Assurance Program is described in their Order 5360.1, "Policy and Program Requirements to Implement the Mandatory Quality Assurance Program," which is the basis for exemption requirements stated in subsection (1) of this section.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-180, filed 10/1/02, effective 11/1/02; 89-10-001 and 90-07-017 (Order

89-1 and 89-1A), § 173-50-180, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-190 Fee structure. (1) Fees in this chapter are in U.S. dollars and are established to cover costs of administering the accreditation program. The fee per parameter and maximum fee per category for each matrix are identified in Table 1.

(2) Examples of parameters for each category are published in the procedural manual. Accreditation may be requested for parameters in addition to those listed in the procedural manual.

(3) A fee is assessed only once for a given parameter even though that specific parameter may be accredited under more than one matrix.

TABLE 1 - FEE SCHEDULE

MATRIX	CATEGORY	FEE/ PARAMETER	MAX FEE PER CATEGORY
Nonpotable Water	Chemistry I (General)	\$65	\$1150
	Chemistry II (Trace Metals)	\$65	\$975
	Organics I (GC/HPLC)	\$115	\$975
	Organics II (GC/MS)	\$345	\$1035
	Radioactivity	\$145	\$1380
	Microbiology	\$175	\$520
	Bioassay/Toxicity	\$230	\$1435
	Immunoassay	\$65	\$390
	Physical	\$65	\$260
Drinking Water	Chemistry I (General)	\$60	\$305
	Chemistry II (Trace Metals)	\$60	\$720
	Organics I (GC/HPLC)	\$155	\$615
	Organics II (GC/MS)	\$155	\$155
	Microbiology	\$155	\$460
Solid and Chemical Materials	Chemistry I (General)	\$65	\$1150
	Chemistry II (Trace Metals)	\$65	\$975
	Organics I (GC/HPLC)	\$115	\$975
	Organics II (GC/MS)	\$345	\$1035
	Radioactivity	\$145	\$1380
	Microbiology	\$175	\$520
	Immunoassay	\$65	\$390
	Physical	\$65	\$260
Air and Emissions	Chemistry I (General)	\$65	\$1150
	Chemistry II (Trace Metals)	\$65	\$975
	Organics I (GC/HPLC)	\$115	\$975
	Organics II (GC/MS)	\$345	\$1035

(4) In addition to paying the fee indicated in Table 1, out-of-state laboratories must pay for the actual cost of travel associated with on-site assessments. The department invoices the laboratory for such costs after completion of the on-site assessment.

(5) The laboratory must pay applicable fees before:

- Its quality assurance manual is reviewed by the department;
- The on-site assessment is conducted if applicable; and
- Interim, provisional, or full accreditation is granted.

(6) The fee for recognition of a third party accreditation (WAC 173-50-170), other than NELAP accreditation (WAC 173-50-190(9)), is three hundred forty-five dollars.

(7) The fee for recognition of a laboratory under a reciprocity agreement (WAC 173-50-160) is three hundred forty-five dollars, or as specified in the reciprocity agreement, but not less than three hundred forty-five dollars.

(8) The fee for recognition of accreditation by a NELAP accrediting authority for laboratories in Washington is three hundred forty-five dollars. For out-of-state laboratories, the fee for recognition of accreditation by a NELAP accrediting authority is the fee indicated in Table 1.

(9) For drinking water laboratories, the base fee to defray the extra cost incurred by the department because of the need to coordinate directly with two regulatory agencies is one hundred fifteen dollars.

(10) If a laboratory withdraws from the accreditation process after the application has been processed, but before accreditation is granted, the fee is nonrefundable up to an amount of two hundred thirty dollars as reimbursement for costs of processing the application. If a laboratory withdraws from the accreditation process after the on-site assessment has been completed, the department may retain the entire fee including reimbursement of travel costs if applicable.

(11) Dollar amounts listed in Table 1 and subsections (6), (7), (8), (9), and (10) of this section may be adjusted every year based on inflation as indicated by the *Implicit Price Deflator for State and Local Government Services* as published by the economic and revenue forecast council. Dollar amounts listed in Table 1 and subsections (6), (7), (8), (9), and (10) of this section may be decreased at any time the department determines they are higher than needed to meet accreditation program requirements. The department notifies affected parties of any fee adjustment at least thirty days prior to the effective date of the adjusted fee.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-190, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-190, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-190, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-190, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-200 Appeals. An environmental laboratory manager may appeal final accreditation actions within thirty days of notification of final action in accordance with chapter 43.21B RCW.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-200, filed 10/1/02, effective 11/1/02; 93-20-011 (Order 92-53), § 173-50-200, filed 9/22/93, effective 10/23/93; 90-21-090 (Order 90-21), § 173-50-200, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-200, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-210 Enforcement. (1) For the purpose of conducting on-site assessments or otherwise enforcing this chapter, the department may enter any premises in which analytical data pertaining to accreditation under the provisions of this chapter are generated or stored.

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(2) Refusal to permit entry for such purposes shall result in denial, revocation, or suspension of accreditation or registration status.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-210, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-210, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-210, filed 4/20/89 and 3/13/90, effective 4/13/90.]

WAC 173-50-220 Assistance to laboratories. Laboratories scheduled to undergo an on-site assessment may request a training session be conducted by department staff in conjunction with that assessment. Accredited laboratories may also request on-site assistance at times other than the on-site assessment. Whether requested as part of the on-site assessment or otherwise, the department will provide such assistance to the extent allowed by staff resources available at the time.

[Statutory Authority: RCW 43.21A.230. 02-20-090 (Order 01-12), § 173-50-220, filed 10/1/02, effective 11/1/02; 90-21-090 (Order 90-21), § 173-50-220, filed 10/19/90, effective 11/19/90.]

Chapter 173-58 WAC

SOUND LEVEL MEASUREMENT PROCEDURES

WAC

173-58-010	Introduction.
173-58-020	Definitions.
173-58-030	Instrumentation.
173-58-040	Ambient conditions.
173-58-050	Measurement equipment preparation and use.
173-58-060	Equipment variation allowances.
173-58-070	Environmental noise measurement procedure.
173-58-080	Close proximity exhaust system sound level measurement procedure.
173-58-090	Reserved.

WAC 173-58-010 Introduction. (1) Authority. Statutory authority for the guidance and direction contained in these procedures is authorized by chapter 70.107 RCW, the Noise Control Act of 1974.

(2) Purpose. The purpose of these rules is to establish standardized procedures for the measurement of sound levels of sources regulated by the department of ecology, including, but not limited to, environmental noise, motor racing vehicles, construction, float planes, railroads, and aircraft engine testing. Vessels, as defined in RCW 88.12.010 (21) and regulated for noise under chapter 88.12 RCW (Regulation of recreational vessels), shall be exempt from chapter 173-58 WAC.

(3) Personnel. For the purposes of enforcement, the measurements shall be conducted only by persons qualified by training in the use of sound measuring equipment and proper site selection.

(4) These regulations will be amended as needed to include any new instrumentation, equipment, or procedures which the department shall deem necessary to accurately measure sound levels for enforcement purposes.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-58-010, filed 5/18/94, effective 6/18/94; 79-04-033 (Order DE 78-19), § 173-58-010, filed 3/22/79.]

WAC 173-58-020 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(6) "Impulse sound" means either a single pressure peak or a single burst of multiple pressure peaks which occur for a duration of less than one second as measured on a peak unweighted sound level meter.

(7) "Local government" means county or city government or any combination of the two.

(8) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(9) "Operator" means any person who is in actual physical or electronic control of a motor vehicle, aircraft, off highway vehicle, or any other engine driven vehicle.

(10) "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified in WAC 173-60-040 shall not be exceeded from sources outside such property.

(14) "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore-connected facility.

(15) "Sound level meter" means a device or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2, or Type 3 standards as specified in the American National Standards Institute Specification S1.4-1971. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4-1971.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-58-020, filed 5/18/94, effective 6/18/94; 79-04-033 (Order DE 78-19), § 173-58-020, filed 3/22/79.]

WAC 173-58-030 Instrumentation. The following instrumentation and equipment shall be used for the measurement procedures established in this chapter:

(1) Sound level meter. The sound level meter shall meet the Type 1, Type 2, or Type 3 requirements of ANSI S1.4-1971. The meter weighting and response mode will be set as

required in the specific procedure used. The sound level meter shall be returned to the manufacturer or a qualified laboratory at least once a year, to be calibrated to standards traceable to the National Bureau of Standards.

Type 1, Type 2, or Type 3 sound level meters shall be used for any initial inspection procedures, but only Type 1 or Type 2 sound level meters shall be used for the measurement of sound levels for enforcement purposes.

(2) Sound level calibrator. An acoustically coupled calibrator shall be used periodically to assure the accuracy of the sound level meter and microphone. The calibrator shall be returned to the manufacturer or a qualified laboratory at least once a year to be calibrated to standards traceable to the National Bureau of Standards.

(3) Tachometer. The tachometer shall be either one of two types: electric or vibrating reed. The electric tachometer shall be an inductive pickup type for easy attachment to any spark plug cable, contain its own internal power supply, and shall meet SAE J197 specifications for off road electric tachometers. The vibrating reed tachometer shall be designed for use on any internal combustion engine. Calibration accuracy for both types of tachometers shall be at least ± 3 percent of full scale reading. All tachometers shall be calibrated at least once a year in accordance with the manufacturer's calibration procedures.

(4) Windscreen. A windscreen of open cell foam, cloth, or other acoustically invisible material as shall be provided by the manufacturer, shall be placed over the microphone to protect it from moisture, exhaust gases and wind effects.

(5) Anemometer. An anemometer shall be used periodically during measurements to test the wind speed.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-030, filed 3/22/79.]

WAC 173-58-040 Ambient conditions. The following ambient conditions shall be observed during measurements and shall determine whether testing is to occur or not:

(1) Wind. Sound level measurements shall not be made when the wind speed is in excess of:

(a) 20 mph (32 km/hr) for the close proximity test, WAC 173-58-080;

(b) 12 mph (19 km/hr) for all other tests.

(2) Precipitation. Sound level measurements shall not be made when precipitation is falling in such a way as to affect the equipment or the measurement readings.

(3) Background sound level. Sound level measurements shall not be made when the difference between the background sound level and the level of the measured sound source is less than 10 dBA, unless, the measurement personnel are technically qualified to logarithmically subtract the background level from the measured source's sound level.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-040, filed 3/22/79.]

WAC 173-58-050 Measurement equipment preparation and use. (1) Battery check. A battery check shall be conducted on all instruments before field calibration and measurement.

(2) Calibration. Sound level meters shall be field calibrated (using procedures described in the manufacturer's

instruction manual) at the beginning and end of each measurement period, and at intervals not exceeding two hours when the instrument is used for more than a two-hour period.

(3) Microphone orientation. The microphone shall be oriented with respect to the sound source as described in the manufacturer's instruction manual.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-050, filed 3/22/79.]

WAC 173-58-060 Equipment variation allowances.

Due to unavoidable variations in measurement sites and test instruments, the following allowances shall be made for the respective sound level meters:

- ± 1 dBA for Type 1 sound level meters
- ± 2 dBA for Type 2 sound level meters

This tolerance value shall be applied, after all necessary calculations have been made, to the final reported sound level for the measured sound source.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-060, filed 3/22/79.]

WAC 173-58-070 Environmental noise measurement procedure. (Reserved.)

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-070, filed 3/22/79.]

WAC 173-58-080 Close proximity exhaust system sound level measurement procedure. This section establishes specific procedures for the measurement of sound levels from exhaust systems at a distance of 20 inches (0.5 meter) from the exhaust outlet. The procedures of subsections (3), (4) and (5) of this section shall not be used for exhaust systems which utilize the introduction of water to the exhaust gas flow for the purpose of muffling the exhaust noise levels, or systems which exhaust the gas flow directly into water.

(1) For the purposes of this section "vehicle" means any motor driven contrivance used as a means of transportation or recreation off of public highways.

(2) Initial inspection. An initial inspection of the vehicle exhaust system shall be conducted to determine if the following defects or modifications exist:

- (a) The absence of a muffler;
- (b) The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;
- (c) Defects in the exhaust system including, but not limited to, pinched outlets, and holes or rusted through areas of the muffler or pipes;
- (d) The presence of equipment which will produce excessive or unusual noise from the exhaust system.

If the above defects are observed and are a violation of the muffler integrity standards established for the type of vehicle which is being inspected, then a citation shall be issued in accordance with the enforcement section of the applicable regulation.

An evaluation of the vehicle sound level shall also be made by the enforcement officer, using the human ear as a sensing device.

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If the exhaust noise is discernibly louder than the engine noise, or if any of the defects or modifications described above exist but are not violations of applicable regulations, the enforcement officer shall request the vehicle operator to submit the vehicle to any measurement procedures described in this chapter which are applicable to the type of vehicle being inspected. If the operator refuses to submit the vehicle to these measurement procedures, he shall be in violation of this chapter.

(3) Test site and instrumentation set up. The test site and instrumentation shall be set up as follows:

(a) The test site shall be a flat, open area free of large, sound-reflecting surfaces (other than the surface on which the vehicle is resting), such as signboards, buildings, large docks, hillsides, or other vehicles, located within a 16-foot (5-meter) radius of the vehicle being tested and the location of the microphone. The vehicle shall not be on a hoist, rack, or over a pit. Testing shall not occur within a shop or building. Nobody shall stand in the measurement area, except the observer and the vehicle operator.

(b) The microphone shall be at the same height as the center of the exhaust outlet if possible, but no closer to any surface than 8 inches (0.2 meter). The microphone shall be positioned with its longitudinal axis parallel to the ground, 20 ± 1 inches (0.5 meter) from the edge of the exhaust outlet, and 45 ± 10 degrees from the axis of the outlet. For exhaust outlets located inboard from the vehicle body, the microphone shall be located at the above specified angle and at least 8 inches (0.2 meter) from the nearest part of the vehicle.

For vehicles provided with exhaust outlets spaced more than 12 inches (0.3 meter) apart, measurements shall be made for each outlet as if it were the only one, and the highest level shall be recorded. If the exhaust outlets are less than twelve inches (0.3 meter) apart, a single measurement shall be made for any one of the outlets.

For vehicles with a vertical exhaust, the microphone shall be placed at a height of 48 ± 2 inches (1.2 meter). Its axis shall be vertical and oriented upwards. It shall be placed at a distance of 20 ± 1 inches (0.5 meter) from the side of the vehicle nearest the exhaust outlet.

For vehicles with the exhaust system outlet near the engine, the engine hood (if one exists) should be closed as much as possible to reduce engine noise.

If a measuring device is attached to the exhaust outlet and the microphone to maintain proper distance, insure that no vibrations from the vehicle shall be transmitted to the instrument.

(4) Vehicle operation. The vehicle shall be operated as follows:

(a) Controlled ignition vehicles. The engine shall be operated at a normal operating temperature with transmission in park or neutral. Sound level measurements shall be made at three-fourths (75 percent) of the RPM for rated horsepower ± 100 RPM of meter reading.

(b) Vehicles with motorcycle engines. The engine shall be operated at normal operating temperatures with the transmission in neutral. If no neutral is provided, the vehicle shall be operated either with the rear wheel or wheels 2-4 inches (5-10 centimeters) clear of the ground, or with the drive chain or belt removed. The sound level measurement shall be made

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with the engine speed stabilized at one of the following values:

(i) If the engine data is available, test the vehicle at one-half (50 percent) of the RPM for maximum rated horsepower \pm 100 RPM.

(ii) If the engine data is not available, and if the vehicle has a tachometer showing the manufacturer's recommended maximum engine speed ("red line"), test the vehicle at 60 percent of the "red line" RPM \pm 100 RPM.

(iii) If the engine data and red line RPM are not available, test the vehicle at:

(A) 3500 ± 100 RPM for engines with total cylinder displacement between 0-950 cc (0-58 in.³).

(B) $2800 \text{ RPM} \pm 100 \text{ RPM}$ for engines with total cylinder displacement greater than 950 cc (58 in.³).

(c) Diesel engine vehicles. The engine shall be operated at normal operating temperatures with transmission in park or neutral. Sound level measurements shall be made at the vehicle's maximum governed no-load speed. If the engine is not provided with a governor, the vehicle shall be operated in the same manner as a vehicle with a controlled ignition.

(5) Measurement. The exhaust system sound level shall be measured as follows:

(a) The sound level meter shall be set for slow response and on the "A" weighting scale.

(b) The sound level meter shall be observed during the full cycle of engine acceleration-deceleration. The recorded sound level shall be the highest value obtained at the appropriate, constant engine speed as specified in subsection (4) of this section, and shall exclude peaks due to unrelated ambient noise, engine noise, or extraneous impulsive-type noise.

(c) At least two measurements shall be made, and the reported sound level shall be the average of the two highest readings which are within one dBA of each other.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-080, filed 3/22/79.]

WAC 173-58-090 Reserved.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-58-090, filed 5/18/94, effective 6/18/94; 79-04-033 (Order DE 78-19), § 173-58-090, filed 3/22/79.]

Chapter 173-60 WAC

MAXIMUM ENVIRONMENTAL NOISE LEVELS

WAC

173-60-010	Authority and purpose.
173-60-020	Definitions.
173-60-030	Identification of environments.
173-60-040	Maximum permissible environmental noise levels.
173-60-050	Exemptions.
173-60-060	Nuisance regulations not prohibited.
173-60-070	Reserved.
173-60-080	Variances and implementation schedules.
173-60-090	Enforcement policy.
173-60-100	Appeals.
173-60-110	Cooperation with local government.
173-60-120	Effective date.

WAC 173-60-010 Authority and purpose. These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and thereby to pro-

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vide use standards relating to the reception of noise within such environments. Vessels, as defined in RCW 88.12.010 (21) and regulated for noise under chapter 88.12 RCW (Regulation of recreational vessels), shall be exempt from chapter 173-60 WAC.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-010, filed 5/18/94, effective 6/18/94; Order 74-32, § 173-60-010, filed 4/22/75, effective 9/1/75.]

WAC 173-60-020 Definitions. (1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "Distribution facilities" means any facility used for distribution of commodities to final consumers, including facilities of utilities that convey water, waste water, natural gas, and electricity.

(6) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(7) "Existing" means a process, event, or activity in an established area, producing sound subject to or exempt from this chapter, prior to the effective date of September 1, 1975.

(8) "Local government" means county or city government or any combination of the two.

(9) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(10) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

(14) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-020, filed 5/18/94, effective 6/18/94; 83-15-046 (Order DE 82-42), § 173-60-020, filed 7/19/83; Order DE 77-1, § 173-60-020, filed 6/1/77; Order 74-32, § 173-60-020, filed 4/22/75, effective 9/1/75.]

WAC 173-60-030 Identification of environments. (1) Except when included within specific prior designations as

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provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA - Lands where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

- (i) Residential
- (ii) Multiple family living accommodations
- (iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts)
- (iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities)

(b) Class B EDNA - Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

- (i) Commercial living accommodations
- (ii) Commercial dining establishments
- (iii) Motor vehicle services
- (iv) Retail services
- (v) Banks and office buildings
- (vi) Miscellaneous commercial services, property not used for human habitation
- (vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks)

(viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- (i) Storage, warehouse, and distribution facilities.
- (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods
- (iii) Agricultural and silvicultural property used for the production of crops, wood products, or livestock.

(d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones - Class A EDNA
- (b) Commercial zones - Class B EDNA
- (c) Industrial zones - Class C EDNA

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance but within the coverage of an adopted comprehensive plan the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas - Class A EDNA
- (b) Commercial areas - Class B EDNA
- (c) Industrial areas - Class C EDNA

Upon approval by the department EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquillity, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW.

[Order 74-32, § 173-60-030, filed 4/22/75, effective 9/1/75.]

WAC 173-60-040 Maximum permissible environmental noise levels. (1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA OF NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA
CLASS B	57	60	65
CLASS C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

- (i) 5 dBA for a total of 15 minutes in any one-hour period; or
- (ii) 10 dBA for a total of 5 minutes in any one-hour period; or
- (iii) 15 dBA for a total of 1.5 minutes in any one-hour period.

[Order 74-32, § 173-60-040, filed 4/22/75, effective 9/1/75.]

WAC 173-60-050 Exemptions. (1) The following shall be exempt from the provisions of WAC 173-60-040 between the hours of 7:00 a.m. and 10:00 p.m.:

(a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.

(b) Sounds created by the discharge of firearms on authorized shooting ranges.

(c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: Provided, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC 173-60-040 (2)(b):

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.

(b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC 173-60-040, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following shall be exempt from all provisions of WAC 173-60-040:

(a) Sounds created by motor vehicles when regulated by chapter 173-62 WAC.

(b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

(c) Sounds created by surface carriers engaged in interstate commerce by railroad.

(d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

(f) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health safety or welfare of the community.

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: Provided, That the startup operation is performed during daytime hours whenever possible.

(j) Sounds created by the discharge of firearms in the course of hunting.

(k) Sounds caused by natural phenomena and unamplified human voices.

(l) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(m) Sounds originating from existing natural gas transmission and distribution facilities. However, in circumstances where such sounds impact EDNA Class A environments and complaints are received, the director or his designee may take action to abate by application of EDNA Class C source limits to the facility under the requirements of WAC 173-60-050(5).

(6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-050, filed 5/18/94, effective 6/18/94; 83-15-046 (Order DE 82-42), § 173-60-050, filed 7/19/83; Order DE 77-1, § 173-60-050, filed 6/2/77; Order 75-18, § 173-60-050, filed 8/1/75; Order 74-32, § 173-60-050, filed 4/22/75, effective 9/1/75.]

WAC 173-60-060 Nuisance regulations not prohibited. Nothing in this chapter or the exemptions provided herein, shall be construed as preventing local government from regulating noise from any source as a nuisance. Local resolutions, ordinances, rules or regulations regulating noise on such a basis shall not be deemed inconsistent with this chapter by the department.

[Order 74-32, § 173-60-060, filed 4/22/75, effective 9/1/75.]

WAC 173-60-070 Reserved. Reserved.

[Statutory Authority: Chapter 70.107 RCW. 00-24-134 (Order 00-24), § 173-60-070, filed 12/6/00, effective 1/6/01; 94-12-001 (Order 92-41), § 173-60-070, filed 5/18/94, effective 6/18/94; Order DE 77-1, § 173-60-070, filed 6/1/77; Order 74-32, § 173-60-070, filed 4/22/75, effective 9/1/75.]

WAC 173-60-080 Variances and implementation schedules. (1) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment [encroachment] upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(2) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(3) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the issuing agency.

(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter,

except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.

[Order 74-32, § 173-60-080, filed 4/22/75, effective 9/1/75.]

WAC 173-60-090 Enforcement policy. Noise measurement for the purposes of enforcing the provisions of WAC 173-060-040 shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property. Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, EXCEPT for parks, recreational areas, and wildlife sanctuaries. For enforcement purposes pursuant to RCW 70.107.050, each day, defined as the 24-hour period beginning at 12:01 a.m., in which violation of the noise control regulations (chapter 173-60 WAC) occurs, shall constitute a separate violation.

[Order DE 76-5, § 173-60-090, filed 2/5/76; Order 74-32, § 173-60-090, filed 4/22/75, effective 9/1/75.]

WAC 173-60-100 Appeals. Any person aggrieved by any decision of the department in relation to the enforcement of the maximum permissible noise levels provided for herein, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter 43.21B RCW under the procedures of chapter 371-08 WAC.

[Order 74-32, § 173-60-100, filed 4/22/75, effective 9/1/75.]

WAC 173-60-110 Cooperation with local government. (1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, following submission of such local ordinance or resolution to the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.

(3) The department shall encourage all local governments enforcing noise ordinances pursuant to this chapter to consider noise criteria and land use planning and zoning.

[Statutory Authority: Chapter 70.107 RCW. 87-06-056 (Order 86-40), § 173-60-110, filed 3/4/87; Order 74-32, § 173-60-110, filed 4/22/75, effective 9/1/75.]

WAC 173-60-120 Effective date. This chapter shall become effective on September 1, 1975. It is the intention of the department to periodically review the provisions hereof

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as new information becomes available for the purpose of making amendments as appropriate.

[Order 74-32, § 173-60-120, filed 4/22/75, effective 9/1/75.]

Chapter 173-62 WAC MOTOR VEHICLE NOISE PERFORMANCE STANDARDS

WAC

173-62-010	Authority and purpose.
173-62-020	Definitions.
173-62-030	Standards.
173-62-040	Exemptions.
173-62-050	Implementation schedules.
173-62-060	Enforcement.
173-62-070	Effective date.

WAC 173-62-010 Authority and purpose. (1) Under RCW 70.107.030(5) of the Noise Control Act of 1974 (chapter 183, Laws of 1974), the legislature directed the department of ecology, in exercising rule-making authority to give first priority to the adoption of motor vehicle noise performance standards. The purpose of this chapter is to carry out that legislative directive through the adoption of noise emission standards for new motor vehicles and noise emission standards for the operation of motor vehicles on public highways.

(2) Local needs. The standards established in this chapter provide several methods of evaluating motor vehicle noise levels. Nothing in these rules is meant to require enforcement agencies or local governments to adopt or use every standard in this chapter to determine a violation. Specific local needs shall dictate the standard(s) which may be adopted or used.

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-010, filed 9/30/80; Order DE 74-33, § 173-62-010, filed 1/30/75, effective 7/1/75.]

WAC 173-62-020 Definitions. As used in this chapter:

(1) "dBA" means the sound level in decibels measured using the "A" weighting network on a sound level meter as specified in the American National Standard Specification for Sound Level Meters S1.4-1971. A decibel is a unit of sound, based on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure of 20 micropascals;

(2) "Department" means the department of ecology;

(3) "Director" means director of the department of ecology;

(4) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle;

(5) "In-use" motor vehicle is any motor vehicle which is used on a public highway, except farm vehicles as defined under RCW 46.04.181;

(6) "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010 (aircraft, water craft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used herein);

(7) "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more

than three wheels in contact with the ground, except farm tractors;

(8) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise to comply with the standards of this chapter;

(9) "New motor vehicle" means a motor vehicle manufactured after December 31, 1975, whose equitable or legal title has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale;

(10) "Off-highway vehicle" means any self-propelled vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010;

(11) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever;

(12) "Public highway" means the entire width between the boundary lines of every way publicly maintained by the department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right;

(13) "Sound level" means a weighted sound pressure level measured by use of a sound level meter using the "A" weighting network and reported as dBA.

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-020, filed 9/30/80; Order DE 75-17, § 173-62-020, filed 8/11/75; Order DE 74-33, § 173-62-020, filed 1/30/75, effective 7/1/75.]

WAC 173-62-030 Standards. (1) No person shall operate any motor vehicle or any combination of such vehicles upon any public highway under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the maximum permissible sound levels for the category of vehicle in Table I, as measured at a distance of 50 feet (15.2 meters) from the center of the lane of travel within the speed limits specified, under procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

Table I
IN-USE MOTOR VEHICLE NOISE PERFORMANCE STANDARDS

Measured @ 50 feet (15.2 meters)

Vehicle Category (type)	Effective Date	Maximum Sound Level, dBA Speed Zones		
		45 mph (72 kph) or less	Over 45 mph (72 kph)	Stationary Test
Motorcycles	July 1, 1980	78	82	N/A
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	July 1, 1980	72 35 mph (56 kph) or less	78 Over 35 mph (56 kph)	N/A
All motor vehicles over 10,000 pounds (4536 kg) GVWR	June 1, 1977	86	90	86
	1986 and after	Reserved	Reserved	Reserved

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(2) Every motor vehicle operated upon the public highways shall at all times be equipped with an exhaust system and a muffler in good working order and constant operation to prevent excessive or unusual noise.

(3) No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency braking to avoid imminent danger shall be exempt from this provision.

(4) No person shall operate any motor vehicle upon any public highway if the vehicle exhaust system exceeds the maximum permissible sound levels of Table II for the category and year of vehicle, as measured at a distance of twenty inches (0.5 meter) from the exhaust outlet under procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

(5) No person shall sell or offer for sale a NEW MOTOR VEHICLE except an off-highway vehicle, which produces a maximum noise exceeding the noise levels in Table III at a distance of 50 feet (15.2 meters) under acceleration test procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

Table II
IN-USE MOTOR VEHICLE EXHAUST SYSTEM NOISE PERFORMANCE STANDARDS

Measured @ 20 inches (0.5 meters)

Vehicle Category (type)	Model Year	Maximum Sound Level, dBA
Motorcycles	before 1986	99
	1986 and after	(reserved)
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	before 1986	95
	1986 and after	(reserved)

Table III
MAXIMUM SOUND LEVELS FOR NEW MOTOR VEHICLES

Measured @ 50 feet (15.2 meters)

Vehicle Category (type)	Date of Manufacture	Maximum Sound Level, dBA
Any motor vehicle over 10,000 pounds (4536 kg) GVWR excluding buses	before January 1, 1978	86
	after January 1, 1978	83
	after January 1, 1982	80
All buses over 10,000 pounds (4536 kg) GVWR	after January 1, 1980	85
	after January 1, 1983	83
	after January 1, 1986	80
	after January 1, 1976	83
	after January 1, 1986	80
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	after January 1, 1976	80

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-030, filed 9/30/80; Order DE 77-2, § 173-62-030, filed 6/1/77; Order

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DE 75-17, § 173-62-030, filed 8/11/75; Order DE 74-33, § 173-62-030, filed 1/30/75, effective 7/1/75.]

WAC 173-62-040 Exemptions. The provisions of this chapter shall not apply to noise caused by auxiliary equipment on motor vehicles used for highway maintenance, nor to noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or of individuals of the community, or to restore property to a safe condition following a public calamity.

[Order DE 75-17, § 173-62-040, filed 8/11/75; Order DE 74-33, § 173-62-040, filed 1/30/75, effective 7/1/75.]

WAC 173-62-050 Implementation schedules. (1) Conditions of issuance. The department may approve and issue to any person, an implementation schedule for meeting any particular requirement of this chapter, if it finds that immediate compliance with such requirement cannot be achieved because of conditions beyond the control of such person or because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors or because of the nonavailability of feasible technology or control methods.

(2) **Requesting procedure.** Implementation schedules shall be issued only upon application in writing to the department. Such application shall state in a concise manner the facts to show cause why such schedule should be approved. Any aggrieved person may appeal the department's decision on an application to the pollution control hearings board pursuant to chapter 43.21B RCW.

[Order DE 74-33, § 173-62-050, filed 1/30/75, effective 7/1/75.]

WAC 173-62-060 Enforcement. (1) Measurements shall be made with a sound level meter meeting Type 1, S1A, 2 or S2A requirements as specified in the American National Standards Specifications for Sound Level Meters S1.4-1971 as required under measurement procedures established in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

(2) Violation of any in-use motor vehicle noise standard set forth in this chapter shall be a traffic infraction, enforced by such authorities and in such manner as violations of chapter 46.37 RCW.

(3) Law enforcement personnel selected to measure vehicle sound levels shall have received training in the techniques of sound measurement and the operation of sound measuring instruments.

(4) Any enforcement officer who by use of the initial inspection procedures of chapter 204-56 WAC suspects that a motor vehicle may be in violation of the standards of this chapter may require the operator to have the vehicle presented for sound level measurement. Measurements of a motor vehicle may be performed at off-road sites to determine compliance with the in-use standards.

(5) Any operator who fails to comply with the directive to present the vehicle to a sound level measurement test shall be in violation of this chapter.

(6) Any seller, importer, or manufacturer who sells or offers for sale a motor vehicle which violates the standards in WAC 173-62-030 shall be subject to a civil penalty not to exceed one hundred dollars as established in RCW 70.107.-

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050. Every motor vehicle sold or offered for sale shall constitute a separate violation.

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-060, filed 9/30/80; Order DE 74-33, § 173-62-060, filed 1/30/75, effective 7/1/75.]

WAC 173-62-070 Effective date. This chapter shall become effective July 1, 1975.

[Order DE 74-33, § 173-62-070, filed 1/30/75, effective 7/1/75.]

Chapter 173-80 WAC

LIMITATIONS ON USE OF REFERENDUM 39 GRANT FUNDS FOR WATER POLLUTION ABATEMENT

WAC

173-80-010	Purpose and scope.
173-80-020	Definitions.
173-80-030	Limitations on the use of funds.
173-80-040	Provision of guidelines.
173-80-050	Wastewater treatment works grants—Priority rating and other provisions.
173-80-060	Lake restoration project grants—General eligibility requirements and priority rating.
173-80-070	Agricultural wastes project grants—General eligibility requirements and priority rating.
173-80-080	Limiting the use of existing Referendum 39 regulations and funds.

WAC 173-80-010 Purpose and scope. The purpose of this chapter is to set forth limitations on the allocation and uses of monies administered by the department of ecology for purposes of providing grants and loans for wastewater treatment facilities, agricultural pollution abatement facilities, and lake restoration projects pursuant to chapter 43.99F RCW (Referendum 39). To derive the most benefit for the state in protecting the health and safety of the people it is necessary to establish criteria for the use of funds made available by Referendum 39. This chapter will outline (1) limitations on the allocation and uses of the funds, (2) the criteria to be considered for determining who will receive funds, and (3) the process to be followed for distributing the funds.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-010, filed 2/5/82.]

WAC 173-80-020 Definitions. (1) "Department" means the Washington state department of ecology.

(2) "Wastewater treatment works construction program" (hereinafter referred to as the wastewater treatment program) means the state/local program of grants and loans under chapter 43.99F RCW (Referendum 39) to public entities for the purpose of planning, designing, constructing, or upgrading treatment works.

(3) "Agricultural wastes grants program" means the program of grants and loans administered by the department for the planning, design and construction of publicly owned or operated agricultural pollution control facilities.

(4) "Lake restoration grants program" means the program of state grants and loans administered by the department for the planning, design and implementation of lake restoration projects.

(5) "Director" means the director of the Washington state department of ecology or his or her authorized designee.

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(6) "Management of wastes" means the control, collection, transport, treatment, and disposal of nonradioactive solid and nonradioactive liquid waste materials.

(7) "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, fuel through incineration of wastes, refuse-derived fuel processes, pyrolysis, hydrolysis or bio-conversion, and energy savings through material recovery from waste source separation and/or recycling.

(8) "Energy savings as a result of the management of the wastes" means but is not limited to the capital cost associated with an energy efficient treatment or transport process chosen over a process more commonly used in standard engineering practice which is more energy intensive.

(9) "Project priority list" means the annual list of rated and ranked projects for which state grant assistance is expected during the year for which the list is issued.

(10) "Priority rating system" means the process and criteria used by the department of ecology to rate and rank projects in the state that are considered eligible for assistance under chapter 43.99F RCW.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-020, filed 2/5/82.]

WAC 173-80-030 Limitations on the use of funds. (1)

The following water program projects shall be eligible for state grants, loans, or combination of grants and loans in an amount not to exceed seventy-five percent of the total eligible cost of the project as determined by the department and subject to the special provisions contained in this chapter.

- (a) Wastewater treatment projects.
- (b) Lake restoration projects.
- (c) Agricultural pollution control projects.
- (2) Loans may be authorized by the director, provided:
 - (a) The loan repayment period does not exceed five years.

(b) The cumulative total of all loans authorized during any biennium does not exceed ten percent of the cumulative total of funds appropriated by the legislature for that biennium, excluding any special appropriation authorized by WAC 173-80-050(6).

(c) The director considers and documents why it is in the best interest of the state's citizens to provide a loan.

(d) The director considers and documents how the loan will be repaid.

(3) The wastewater treatment program will establish an accounting procedure to identify the money which is spent on projects that are capable of producing renewable energy or energy savings as a result of the management of the wastes.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-030, filed 2/5/82.]

WAC 173-80-040 Provision of guidelines. The department will publish guidelines which establish procedures for awarding grants and eligibility criteria for each Referendum 39 grant program identified in WAC 173-80-030(1). These guidelines will describe the grant application, review, and award process and will be available prior to the first grant award.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-040, filed 2/5/82.]

WAC 173-80-050 Wastewater treatment works grants—Priority rating and other provisions. (1) In instances where applications for wastewater treatment works grant funds exceed the amount currently available to the department, the director will establish a project priority list using published priority rating criteria which consider, but are not limited to, the following:

- (a) Water quality impacts caused by existing circumstances.
- (b) Public health impacts caused by existing circumstances.

(c) The prior local effort expended toward correcting the existing or similar wastewater problems.

(d) The cost-benefit relationship of the proposed project.

(e) Problem prevention aspects of the proposed project.

(2) In instances where a priority list is required, the director will ensure that:

(a) A project priority list is developed on an annual basis.

(b) The priority list be readily available to the public for review and comment thirty days prior to its approval by the director.

(c) Comments received during any review period are considered and responded to before a final list is approved by the director.

(d) An approved list is available on or about forty-five days after the close of the application period.

(3) The department may use funds authorized by chapter 43.99F RCW as fifteen percent grants to wastewater treatment projects for public entities who have received a federal grant under Title II of Public Law 97-117 prior to October 1, 1982, or a written guarantee from the department, prior to the effective date of this chapter, that such a grant will be available when a federal grant is received. New phases of those continuing construction wastewater treatment projects begun prior to October 1, 1982, are also eligible for a fifteen percent grant. Funds are to be awarded under this authority only if funds provided by chapter 43.83A RCW (Referendum Bill No. 26) are not available.

(4) Prior to December 31, 1982, the department may award a grant for seventy-five percent of the eligible costs for completion of any wastewater treatment facility that began construction under the federal wastewater treatment program prior to October 1, 1981, and is not scheduled to receive a federal grant prior to federal fiscal year 1983.

(5) Wastewater treatment program projects, except those allowed by WAC 173-80-050(4), shall not receive grants exceeding fifty percent of the eligible costs of the project.

(6) The director may enter into a single lump sum design and construction contract with a grantee whose project exceeds a total cost of \$100 million and requires more than three years to design and construct, providing that all the following conditions are met:

(a) The project appears on the current project priority list within the range fundable with remaining, unobligated monies authorized by chapter 43.99F RCW.

(b) The contract contains provisions limiting the total amount of state funding to fifty percent of the eligible costs or an agreed upon figure (whichever is less), establishing cash flow agreements, and any other provisions the director deems necessary to protect the financial interests of the state.

(c) The legislature appropriates the necessary funds.

(d) The grantee agrees to a one-time grant, including limited increases at time of bid, and will not thereafter seek any further funds under the provisions of chapter 43.99F RCW.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-050, filed 2/5/82.]

WAC 173-80-060 Lake restoration project grants—General eligibility requirements and priority rating. (1) General eligibility requirements include:

(a) The lake must have a documented water quality problem which is resulting in impairment of beneficial uses;

(b) The proposed project must be sponsored by a public body as defined in chapter 43.99F RCW;

(c) The project sponsor must be able to provide at least ten percent of the total project cost unless a lower share is specifically authorized by the director; and

(d) Public access must be provided which is sufficient to allow the general public the same opportunity to enjoy the lake's recreational benefits as that enjoyed by residents living immediately adjacent to the lake.

(2) When applications for grant funds exceed the amount currently available to the department, the director will establish a lake restoration project priority list using rating criteria which consider, but are not limited to, the following:

(a) Water quality improvements to be achieved

(b) Increased or enhanced lake utilization

(c) Restoration potential

(d) Public health impacts to be corrected

(3) When a lake restoration project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-060, filed 2/5/82.]

WAC 173-80-070 Agricultural wastes project grants—General eligibility requirements and priority rating. (1) General eligibility requirements include:

(a) The project sponsor must be a public body as defined in chapter 43.99F RCW;

(b) Eligible project elements must benefit the public and be utilized by more than one member of the sponsoring group or agency;

(c) The project must directly benefit the quality of the receiving water; and

(d) The project sponsor must provide at least ten percent of the grant eligible costs unless a lesser amount is authorized by the director.

(2) Project rating—When applications for grant funds exceed the amount currently available to the department, the director will establish an agricultural wastes project priority list using criteria which includes, but are not limited to:

(a) Water quality improvements to be achieved

(b) Improved efficiency in water quantity utilization

(c) Resource conservation potential

(d) Reduction in impairment of beneficial uses

(3) When an agricultural waste project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director.

(2007 Ed.)

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-070, filed 2/5/82.]

WAC 173-80-080 Limiting the use of existing Referendum 39 regulations and funds. This chapter is not applicable to the allocation and uses of moneys administered by the department of ecology pursuant to chapter 3, Laws of 1986.

[Statutory Authority: 1986 c 3 § 4. 86-19-041 (Order DE 86-26), § 173-80-080, filed 9/12/86.]

Chapter 173-95A WAC

USES AND LIMITATIONS OF CENTENNIAL CLEAN WATER FUNDS

WAC

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WAC 173-95A-010 What is the purpose of this chapter? The purpose of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology from a special fund within the state treasury known as the water quality account, as authorized by chapter 70.146 RCW. This fund provides financial assistance, in the form of loans and grants to meet high priority water quality management needs, to public bodies throughout the state of Washington. Funded projects must address water quality problems related to public health and environmental degradation. In order to encourage the timely use of funds provided by the state legislature, priority will be given to projects shown to be ready to proceed.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-010, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-010, filed 12/3/97, effective 1/3/98.]

WAC 173-95A-020 What are the definitions of key terms? (1) "Activities" - see "water pollution control activity."

(2) "Applicant" means a public body that has applied for funding.

(3) "Best management practices" means physical, structural, and/or managerial practices, approved by the department, that, when used singularly or in combination, prevent or reduce pollutant discharges.

(4) "Cash match" means funds to match the state share of a grant that are under the sole control of a public body.

(5) "Centennial" means the centennial clean water fund.

(6) "Ceiling amounts" means the largest amount of financial assistance the department can provide to an individ-

ual project. Ceiling amounts vary based on factors including the type of project and whether a loan or a grant is awarded.

(7) "Commercial, industrial, and institutional flows" means the portion of the total flows to a facilities project that originate from commercial establishments, industrial facilities, or institutional sources such as schools, hospitals, and prisons.

(8) "Cost-effective alternative" means the alternative with the lowest present worth or equivalent annual value that achieves the requirements of the facility and that recognizes environmental and other nonmonetary considerations.

(9) "Department" means the department of ecology.

(10) "Easement," for the purposes of this rule, means a written agreement between a public body and an individual landowner, that allows the public body to have access to the property at any time to inspect, maintain, or repair activities or facilities installed with a loan or a grant, or to hold occasional public tours of the site for educational purposes.

(11) "Eligible cost" means the portion of the cost of the facilities or activities project that can be financed under the provisions of this chapter.

(12) "Enforcement order" means an administrative order that is a document issued by the department under the authority of RCW 90.48.120 and that directs a public body to complete a specified course of action within an explicit period of time to achieve compliance with the provisions of chapter 90.48 RCW.

(13) "Engineering report" means a report that evaluates engineering and other alternatives that meet the requirements set forth in chapter 173-240 WAC, Submission of plans and reports for construction of wastewater facilities.

(14) "Environmental emergency" means a problem that a public body and the department agree poses a serious, immediate threat to the environment or to the health or safety of a community, and requires immediate corrective action.

(15) "Estimated construction cost" means the estimated sum of moneys, excluding sales tax, to be paid to construction contractors and suppliers for all labor, materials, equipment, and other related work necessary to construct the proposed project.

(16) "Existing needs" means water pollution control facilities capability for the existing population in order to meet the requirements of the water quality based effluent limitations in the recipient's National Pollution Discharge Elimination System or state waste discharge permit.

(17) "Existing residential need" means water pollution control facilities capability for the existing residential population in order to meet the water quality based effluent limitations in the recipient's National Pollution Discharge Elimination System or state waste discharge permit.

(18) "Excess capacity" means water pollution control facilities capability beyond what is needed for the existing residential population to meet the water quality based effluent limitations in the recipient's National Pollution Discharge Elimination System or state waste discharge permit.

(19) "Extended grant payments" means cash disbursements for eligible project costs made under a multiyear centennial grant agreement according to conditions established in RCW 70.146.075 and funded through legislative appropriations. Extended grant payments do not follow the normal process of reimbursement for actual costs incurred.

(20) "Facilities plan" means an engineering report that includes all the elements required by the National Environmental Policy Act, other federal statutes, and planning requirements under chapter 173-240 WAC, Submission of plans and reports for construction of wastewater facilities.

(21) "Facilities" - see "water pollution control facilities."

(22) "Force account" means loan or grant project work performed using labor, materials, or equipment of a public body.

(23) "Funding cycle" means the annual cycle of activities related to allocating funds for a single fiscal year.

(24) "Funding cut-off line" means the position on a final offer list ranked by priority below which financial assistance will not be offered from that fund, proviso, or funding category.

(25) "Funding list" - see "offer list."

(26) "Grant agreement" means a contractual arrangement between a public body and the department that includes an approved scope of work, total project cost, set grant percentage, eligible costs, budget, and a schedule for project completion (in addition to other requirements).

(27) "Immediate corrective action" means that the director of the department or the director's designee has determined that the project must proceed to correct the problem in a timely manner before funds are available during the next regular funding cycle. This usually would involve a "public health emergency" or an "environmental emergency."

(28) "Indirect cost" means costs that benefit more than one activity of the recipient and that may not be directly assigned to a particular project objective.

(29) "Infiltration and inflow" means water, other than wastewater, that enters a sewer system.

(30) "Infiltration and inflow correction" means the cost-effective alternative or alternatives identified in an approved facilities plan or engineering report for eliminating or reducing the infiltration and inflow from an existing sewer system.

(31) "In-kind contributions" means the value of noncash contributions provided by a public body or any other approved parties.

(32) "Interlocal costs" means the cost of goods or services provided to a project under the terms of an interlocal agreement by a public body eligible to apply for centennial funds. These costs may be considered as part of a cash match if they are eligible for funding under the grant agreement.

(33) "Loan agreement" means a contractual arrangement between a public body and the department that involves a disbursement of funds that must be repaid. The agreement includes an approved scope of work, total project cost, loan terms (including interest rates) and a repayment schedule.

(34) "Loan default" means failure to make a loan repayment within sixty days after the payment was due.

(35) "Local prioritization process" means a process to prioritize projects locally as specifically described in WAC 173-95A-050.

(36) "Match" means the portion of the eligible project costs not covered by a grant, including actual cash outlays, and noncash (in-kind) contributions.

(37) "Maximum eligible costs" means the ceiling on the portion of the costs of a project that are eligible.

(38) "Nonpoint source water pollution" means pollution that enters any waters from widespread water- or land-based

activities. Nonpoint source water pollution includes, but is not limited to, atmospheric deposition; surface water runoff from agricultural lands, urban areas, and forest lands; subsurface or underground sources; and discharges from boats or other marine vessels.

(39) "Offer list" means a list of projects prioritized for receiving financial assistance from the centennial program.

(40) "Previously funded objective" means a project or project element intended to address the same need as a project or project element that has been previously funded by a loan or grant from a funding program administered by the department.

(41) "Project" means water pollution control facilities or activities for which a loan or grant is awarded by the department.

(42) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized by the federal government.

(43) "Public health emergency" means a situation in which illness or exposure known to cause illness is occurring or is imminent (as determined by the Washington state department of health).

(44) "Recipient" means a public body that applied for funding, has been offered funding, and has signed a funding agreement with the department.

(45) "Scope of work" means a detailed description of a project, including measurable objectives useful for determining successful completion. The scope of work is negotiated between the department and the loan or grant recipient.

(46) "Severe public health hazard" means a situation in which the potential for illness exists, but illness is not occurring or imminent (as determined by the Washington state department of health).

(47) "Sewer" means a pipe and related pump stations located on public property, or on public rights of way and easements, that conveys wastewater from individual buildings or groups of buildings to a treatment plant.

(48) "Side sewer" means a sanitary sewer service extension from the point five feet outside the building foundation to the publicly owned collection sewer.

(49) "Small flows" means flows from commercial, industrial, or institutional sources that enter a sanitary sewer system.

(50) "Step process" means a systematic process that facilities projects must follow to be eligible for loans or grants.

(51) "Total eligible project cost" means the sum of all costs associated with a water quality project that have been determined to be eligible for loan or grant funding.

(52) "Total project cost" means the sum of all eligible and ineligible costs associated with a water quality project.

(53) "Water pollution control activities" or "activities" means actions taken by a public body for the following purposes:

- (a) To prevent or mitigate pollution of underground water;
- (b) To control nonpoint sources of water pollution;
- (c) To restore the water quality of freshwater lakes; and

(d) To maintain or improve water quality through the use of water pollution control facilities or other means.

(54) "Water pollution control facilities" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including, but not limited to, sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(55) "Water pollution" means contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters; or any discharge of a liquid, gas, solid, radioactive substance, or other substance into any waters of the state that creates a nuisance or renders such waters harmful, detrimental, or injurious to the public, to beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(56) "Water resource inventory area" or "WRIA" means one of sixty-two watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in chapter 173-500 WAC as it existed on January 1, 1997.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-020, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-020, filed 12/3/97, effective 1/3/98.]

WAC 173-95A-030 How and under what conditions, can money from the centennial fund be used? (1) Uses of the money. The centennial fund may be used for the following purposes:

(a) To make loans and grants to applicants in order to finance the planning, design, or construction of water pollution control facilities; and

(b) To make loans and grants to applicants for the implementation of nonpoint source pollution control management programs subject to the requirements of chapter 70.146 RCW. Nonpoint source pollution control management programs include planning and implementing elements of the nonpoint source pollution assessment and management program.

(2) Eligibility to apply for funding. Eligible applicants and funding recipients under the centennial fund are public bodies, including the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized by the federal government.

(3) Program integration. While maintaining the integrity of individual funding programs, the department will combine the management of the centennial program with certain compatible funding programs, including, but not limited to, the Washington state water pollution control revolving fund, and the Clean Water Act, Section 319 nonpoint source fund. The

combined management will include combined funding cycles, combined program guidelines, and combined funding offer lists. Applicants will not be asked to apply for funds from a specific funding source, only whether they are applying for loan or grant funding for their projects. After developing a prioritized list of projects proposed for funding (based on review of applications), the department will decide which funding source best meets the needs of each individual project.

(4) Unless demand for funding for activities projects is limited, a maximum of two-thirds of the available funds for competitive projects for any fiscal year will be made available for projects related to water pollution control facilities.

(5) Normally, the department will fund loan projects or the loan portion of loan and grant projects from the Washington state water pollution control revolving fund whenever the project is eligible for state water pollution control revolving loan fund funding and the funding is available.

(6) Funding for activities projects:

(a) Activities grants made under the centennial program must be matched with any combination of cash or in-kind that totals twenty-five percent of the total eligible project cost.

(b) Grants for activities projects made under the centennial program are subject to ceiling amounts of:

(i) Five hundred thousand dollars if the match for the grant is entirely in the form of cash; or

(ii) Two hundred fifty thousand dollars if any part of the match is in the form of in-kind goods and services.

(c) Loans for activities projects made under the centennial program are subject to ceiling amounts of five hundred thousand dollars and no match is required.

(7) Funding for facilities projects:

(a) Applicants seeking funding for facilities projects may only apply for loans, but may specify on their application that they would like their project to be analyzed for financial hardship consideration. Some grant funding may be available each funding cycle for a limited number of facilities projects that qualify for financial hardship consideration.

(b) Ceiling amounts for loans under the centennial program: Loans for facilities projects are limited to half the total eligible cost of the project, or five million dollars, whichever is less: Provided, That this amount does not exceed one-third of the available funds for competitive projects for a single funding cycle.

(c) No match is required for loans made under the centennial program.

(d) Ceiling amounts for grants for facilities construction projects made to offset hardship under the centennial program: When a hardship analysis by the department shows that an applicant requesting funding for a facilities construction or "step three" project is eligible for grants, facilities construction grants made under the centennial program are subject to ceiling amounts of half the total eligible cost of the project plus an unemployment differential, as described in subsection (8)(c)(ii) of this section, or five million dollars, whichever is less: Provided, That this amount does not exceed one-third of the available funds for competitive projects for that fiscal year. These ceiling amounts are the maximum that can be provided in the form of grant funds for the life of the project as specified in a facilities plan approved

by the department, except as provided for in (h) of this subsection.

(e) Ceiling amounts for grants for facilities projects consisting of combined design and construction: When a hardship analysis by the department shows that a recipient initiating a facilities design and construction or "step four" project, as provided for in WAC 173-95A-080 (2)(d), is eligible for grants, facilities construction grants made under the centennial program are subject to ceiling amounts of half the total eligible cost for the construction portion of the project. The total project cost under step four may not exceed one million dollars. If the total project cost for a step four project exceeds one million dollars, no portion of the project may be funded with centennial loan or grant funds.

(f) Facilities grants to meet hardship made under the centennial program must be matched with sufficient cash to meet the total eligible project cost when combined with the grant amount. The applicant is encouraged to negotiate a funding package that provides funding for the total eligible project cost in the form of loans and grants from the department. Towards this goal, the applicant must accept a loan from the department for all or part of the remainder of the total eligible project cost. At a minimum, this loan must be for the remaining portion of the eligible cost of the project, or for an amount equal to the grant portion, whichever is less.

(g) A facilities construction project that is eligible for grant funding due to hardship consideration and is prioritized exactly at the funding cutoff point for facilities projects on the final offer list may receive only partial grant funding in a single funding cycle due to lack of available funds. In this case, if funds are available for the project and if the project can be shown to have proceeded during the intervening year according to the provisions of WAC 173-95A-100, the project will be offered the remaining amount as eligible under (b) of this subsection in the next funding cycle, subject to sufficient legislative appropriation.

(h) In exceptional cases where extreme levels of financial hardship exist, and the total eligible grant amount of a project has been determined by the department to be greater than five million dollars, applicants may be awarded financial assistance in the form of equal annual extended payment grants over a period of at least ten and no more than twenty years. Extended grant payments must be approved by the legislature and funding must be appropriated in the Washington state biennial capital budget for each biennium in which extended grant payments are made.

(8) Financial hardship assistance for facilities construction:

(a) Financial hardship assistance may be available to loan recipients for the existing residential need portion of a water pollution control facilities construction project if the project will cause a residential sewer user charge in excess of one and one-half percent of the median household income.

(i) Median household income for this purpose is based on the most recent available census data, updated yearly based on inflation rates as measured by the Federal Bureau of Labor Statistics and published as the Consumer Price Index.

(ii) If median household income data are not available for a community or if the community disputes the data used by the department, the department will allow a local govern-

ment to conduct a scientific survey to determine the median household income.

(iii) In situations where a project is proposed for an area with demographics which may not be representative of the entire census designated place, the department may require the applicant to conduct a scientific survey to determine the median household income.

(iv) In rare cases where financial hardship cannot be established using residential user fees as a percent of median household income, financial hardship determinations will be made on a case-by-case basis.

(b) The need for hardship assistance is calculated on water pollution control facilities construction costs associated with existing residential need at the time an application for funding is received by the department. The analysis does not include costs for growth. For example, if an applicant applies for ten million dollars to finance facilities construction costs, where six million dollars is for existing residential need and the remaining four million dollars is for growth, the hardship analysis would be based on the six million dollars for existing residential need.

(c) If the department determines that financial hardship exists, it may make changes to the offer of financial assistance in an attempt to lower the residential user charges below the financial hardship level for the existing residential need. These changes may include:

(i) Structuring of the loan agreements to lengthen the repayment term to a maximum of twenty years; or

(ii) Lowering the interest rate; or

(iii) A combination of a lower interest rate and an extended term; and

(iv) If this is not sufficient, offering partial grant funding, not to exceed the ceiling amounts set in subsection (7) of this section and not to exceed fifty percent of the eligible costs plus an unemployment differential. The unemployment differential is determined by comparing the unemployment rate of the county in which the proposed project is located with the statewide unemployment rate. In cases where the three-year average for the county is at least one full percentage point above the three-year average statewide unemployment rate, the total three-year average unemployment rate for the county, rounded to the nearest whole percentage point, will be used as the unemployment differential. The three-year average will be for the period ending on December 31 of the most recent year for which a complete report is available from the department of employment security at the time the hardship analysis is conducted.

(d) If an applicant is requesting financial hardship assistance, it should submit a completed financial hardship analysis form with its application for financial assistance.

(9) Policies for establishing the terms of financial assistance. Interest rates for recipients will be based on the average market interest rate. The average market interest rate will be based on the daily market rate published in the Bond Buyer's Index for tax exempt municipal bonds for the period from sixty to thirty days before the annual centennial funding application cycle begins, using the daily market interest rate for that period. Loan terms and interest rates are as follows:

Repayment period interest rate.

Up to five years: Thirty percent of the average market rate.

More than five but no more than twenty years: Sixty percent of the average market rate.

The director of the department or the director's designee may approve lower interest rates for annual funding application cycle for the centennial fund and the Washington state pollution control revolving fund: Provided, That this may only be done if a financial analysis of the Washington state pollution control revolving fund demonstrates that lower interest rates for that year are not detrimental to the perpetuity of that fund.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-030, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-030, filed 12/3/97, effective 1/3/98.]

WAC 173-95A-040 Where can I obtain details about the application and review process for centennial funds?

(1) Applicants must apply for financial assistance in order to be considered for funding and for their projects to be included on the funding offer list. Projects must be on the funding offer list in order to receive centennial financial assistance.

(a) A schedule of the annual funding cycle will be published no later than the last business day of November each year.

(b) The period during which applications are accepted each year will last a minimum of sixty days, and application forms and guidelines for that year will be made available at the beginning of that period.

(c) In the first thirty days of the period during which applications are accepted each year, the department will conduct at least one application workshop in each of the department's four regions.

(2) The application for funding will consist of two parts. Part one of the application will request information for identification, description, and other information about the project for tracking purposes, and part two of the application will request information about the water quality problem or problems being addressed by the project and the proposed solutions to the problems. In the application, applicants will be asked to fully describe the environmental and financial need for the project. Applications for centennial financial assistance for facilities projects must address problems such as public health emergencies, severe public health hazards, the need to provide secondary or advanced treatment, the need to improve and protect water quality, reduction of combined sewer overflows, and other environmental needs. Applications for centennial financial assistance for nonpoint projects must address the remedies and prevention of water quality degradation associated with nonpoint source water pollution and must not be inconsistent with needs identified in the department's nonpoint source pollution assessment and management program.

(3) The application form, part two, will include five main question areas, each with subsidiary questions designed to elicit the information needed to evaluate the project. The maximum points awarded for these question areas equal ninety percent of the total possible score with a maximum of ten percent coming from local prioritization. The local prioritization process is described in detail in WAC 173-95A-050. The five main question areas and their associated maximum point percentages are:

(a) "What is the overall water quality problem and how will the problem be solved or addressed by the project?" This question is intended for general background purposes and to give evaluators an overview of the proposed project; no points are assigned.

(b) "What are the specific public health and water quality impairments caused by the problem and what are the pollution prevention aspects?" This question area is worth a maximum of thirty-four percent of the total score.

(c) "How will your proposed project address the water quality problem, and what are your measures of success?" This question area is worth a maximum of thirty-four percent of the total score.

(d) "What are some of the local initiatives you have taken that will help make your project a success?" This question area is worth a maximum of twelve percent of the total score.

(e) "Are there any state of Washington or federal mandates that this proposed project addresses?" This question area is worth a maximum of ten percent of the total score.

(4) The department will evaluate the proposed projects based on the information contained in the applications.

(a) Projects will be ranked according to potential water quality benefit and protection of public health.

(b) Projects which have the highest environmental and public health need will be given priority for financial assistance under the centennial program.

(c) Because funds must be used in a timely manner, readiness to proceed is also used in establishing the priority of projects.

(d) Other factors, including funding provisions in chapter 70.146 RCW, provisos identified in the department's biennial capital budget, relationship to the department's published plans, and relationship to published plans created by other federal and state agencies will be included in the priority evaluation.

(e) The department will request other agencies, including, but not limited to, the Washington state conservation commission, the Puget Sound action team, and the Washington state department of health, to provide evaluation assistance as needed.

(f) The department will coordinate maximum funding amounts and other issues with other state and federal funding agencies when possible.

(5) The total score that each proposed project receives based on the application form, part two, will be added to the local prioritization score (see WAC 173-95A-050 for more information on the local prioritization process) to develop the final score for the proposed project.

(6) The department will prepare a draft funding offer list each year after evaluating all applications. The draft funding offer list will list projects in rank order starting with the project receiving the most points in its final score. This will also generally be the order that projects may be offered financial assistance. After issuing the draft funding offer list, the department will allow a minimum of thirty days for public review and comment on the draft funding offer list. No later than fifteen days before the end of the public review and comment period the department will conduct at least one workshop to explain the draft funding offer list, answer ques-

tions about the draft funding offer list and the evaluation process, and provide details on the public comment process.

(7) The final funding offer list will be issued no later than sixty days after the end of the public review and comment period. The final funding offer list will reflect any changes made as a result of public comments or other information received during the public review and comment period, and will include a responsiveness summary. The final funding offer list will generally list projects in the order that projects may be offered financial assistance.

(8) Emergency loan funding:

(a) Emergency loan funding may be available on a case-by-case basis to respond to a public health emergency (as designated by the Washington state department of health) or an environmental emergency (as designated by the department) where:

(i) The public body requesting emergency funding immediately communicates directly with the appropriate regional office of the department; and

(ii) There is a demonstrated need for immediate corrective action; and

(iii) The emergency is not based on a preexisting condition.

(b) If the department agrees that an emergency request should be funded, department staff will attempt to identify funding for the project.

(c) No grant funds are available for emergency projects.

(d) If the emergency project is funded, the applicant must follow all other funding guidelines.

(e) Projects funded as emergencies should start immediately and be completed quickly.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-040, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-040, filed 12/3/97, effective 1/3/98.]

WAC 173-95A-050 How can a local area have a role in determining funding priorities?

(1) Applicants may receive rating points based upon locally derived priorities. A maximum number of local prioritization points equal to ten percent of the total evaluation points available to a project may be added to the project evaluation points assigned by the department. These points are awarded to recognize the fact that local agencies and other groups may have water quality priorities that differ from the statewide water quality priorities. The department does not require that any particular criteria be used in determining local priorities, but recommends that the local group be familiar with the water quality criteria the department uses as well as any legislative mandates for funding consideration. Local prioritization is elective and applicants do not have to engage in or complete this process to be eligible for funding consideration. However, projects will not be awarded local prioritization points if the process described here is not followed.

(2) The area used for the local prioritization process must be one entire water resource inventory area.

(3) Each local prioritization process must address all applications for water quality funding made to the department for projects located in that water resource inventory area during the annual funding cycle for that fiscal year.

(4) Priorities must be sent to the department in a written document showing a numeric priority ranking for all eligible projects in a water resource inventory area. It must be signed by the representative of the lead agency of a local planning group (if a local planning group is used) or, if an ad hoc group is used, by the representatives of each of the required organizations. Signatures indicate that the represented group does not object to the specific priority ranking.

(5) In each water resource inventory area one group must complete the local prioritization effort. The department will not accept local priorities from more than one source in each water resource inventory area. The group must be one of the two types of groups described here:

(a) A local watershed planning group organized under RCW 90.82.060 (Watershed Planning Act). This group may be used only if it includes at least three of the required groups described in this section, and if this group is used, they must inform each of the other required groups of their priorities; or

(b) An ad hoc group consisting of a representative of all the required groups.

(6) The required groups are:

(a) The incorporated city, town, or municipal corporation with the largest population within the water resource inventory area; and

(b) All counties with jurisdictional responsibility for at least twenty-five percent of the area within the water resource inventory area; and

(c) The Washington state conservation district with the largest service area within the water resource inventory area; and

(d) The special purpose district providing wastewater services with the largest population within the water resource inventory area (districts that might meet this description include, but are not limited to, sewer districts, water and sewer districts, and public utility districts); and

(e) All federally recognized tribes having reservations or fishing rights within the water resource inventory area.

(7) In cases where a required signatory to the ad hoc group process refuses to become involved with the process, does not respond to the request to become involved, or agrees to become involved but does not do so, the ad hoc group may provide the department with proof that the group was asked to participate. This proof must be submitted with the signed list of priorities by the deadline for submitting that list. Where this proof is provided, the lack of the signature will not stop the department from awarding local priority points. Proof should consist of copies of registered mail asking the required group to become involved.

(8) The list of local priorities, with signatures, is due to the department no later than forty-five days after the end of the application period each fiscal year.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-050, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 70.146.070 and 36.70A.040. 97-24-096 (Order 97-31), § 173-95A-050, filed 12/3/97, effective 1/3/98.]

WAC 173-95A-060 What are the limitations on the use of funds? (1) The centennial fund may be used to provide financial assistance to applicants for the construction of water pollution control facilities and for water pollution control activities.

(2) Loan and grant offers identified on the final offer list will be effective for up to one year from the date of the final offer list. All loan and grant offers that do not result in a signed agreement within the effective offer period are automatically terminated.

(3) Limitations on commercial, industrial, and institutional flows:

(a) Flows from individual commercial, industrial, or institutional sources, are considered small when they are less than five percent of the total existing needs, as identified by the department's engineers. Collectively, flows from all individual commercial, industrial, or institutional sources are considered small when they are less than thirty percent of the total existing needs, as identified by the department's engineers. The portion of a project designed to serve the needs of commercial, industrial, and institutional customers may be funded using loans only, regardless of the level of financial capability in the jurisdiction applying for funding, where the department has determined that the flows from commercial, industrial, and institutional customers are "small."

(b) That portion of a project designed to serve the needs of local public primary and secondary schools may be grant eligible in cases where the residential portion of a project has been determined to be eligible for partial grant funding due to the level of financial capability in the public body applying for funding, under the provisions of WAC 173-95A-030(8).

(4) Projects proposed by Washington state agencies will not be funded; except that activities projects undertaken by state institutions of higher education are eligible to apply for funding when the activities are not part of the school's statutory responsibilities.

(5) Ineligible projects or project elements. Certain projects or project elements, including, but not limited to, the following, are not eligible for centennial assistance:

(a) Projects related to acts of nature that alter the natural environment, thereby causing water quality problems;

(b) Cost-plus-a-percentage-of-cost contracts (also known as multiplier contracts), time and materials contracts, and percent-of-construction contracts in facilities projects;

(c) Fines and penalties due to violations of or failure to comply with federal, state, or local laws;

(d) Projects or project elements intended solely for flood control;

(e) Interest on bonds, interim financing, and associated costs to finance projects;

(f) Landscaping for aesthetic reasons;

(g) Legal expenses other than those associated with development of local ordinances for water quality protection and improvement, or with use of a bond counsel in developing a loan agreement;

(h) Lobbying or expenses associated with lobbying;

(i) Reclamation of abandoned mines;

(j) Monitoring equipment used by an industry for sampling and analysis of industrial discharges from municipal water pollution control facilities;

(k) Office equipment;

(l) Operating expenses of local government, such as the salaries and expenses of a mayor, city council member, city attorney, etc.;

(m) Routine or ongoing operation and maintenance costs;

- (n) Overtime differential paid to employees of local government to complete administrative or force account work;
- (o) Permit fees;
- (p) Personal injury compensation or damages arising out of the project, whether determined by adjudication, arbitration, negotiation, or other means;
- (q) Preparation of loan or grant applications;
- (r) Costs associated with commercial, institutional or industrial pretreatment
- (s) Professional dues;
- (t) Projects or project elements solely addressing water quantity or other water resource issues;
- (u) Refinance of existing debt;
- (v) Replacement parts, other than those for an initial set of spare parts for equipment that is critical for a facility to operate in compliance with discharge permit requirements;
- (w) Rework costs associated with any project;
- (x) Projects or project elements solely addressing solid or hazardous waste;
- (y) Training staff to develop skills not identified in the loan or grant agreement;
- (z) Vehicle purchase except for vehicles intended for the transportation of liquid or dewatered sludge or septage;
- (aa) Water pollution control activities or facilities or portions of those facilities that are primarily intended to control, transport, treat, dispose, or otherwise manage commercial, institutional or industrial wastewater or other water pollution control needs from those sites.

(6) Loan-eligible projects or project elements. Certain projects or project elements, including, but not limited to, the following, are ineligible for centennial grant assistance, but may be eligible for centennial loan assistance:

- (a) Implementation of best management practices on private property, with certain narrow exceptions listed in subsection (8) of this section;
- (b) Comprehensive sewer planning, including wastewater elements of capital facilities planning under the Growth Management Act;
- (c) Comprehensive storm water planning;
- (d) Construction of water pollution control facilities with reserve capacities to meet up to one hundred ten percent of existing residential needs;
- (e) Land acquisition as an integral part of the treatment process (e.g., land application) or for prevention of water pollution;
- (f) Land acquisition for siting of water pollution control facilities, sewer rights of way, and easements, and associated costs;
- (g) Land acquisition for wetland habitat preservation;
- (h) Local loan fund establishment for water pollution control;
- (i) New sewer systems to eliminate failing or failed on-site septic systems;
- (j) Design (plans and specifications) for water pollution control facilities (including storm water facilities);
- (k) Facilities plans for water pollution control facilities (including storm water facilities);
- (l) Previously funded objectives;
- (m) Residential and small commercial on-site septic system rehabilitation and replacement;

- (n) Sewer laterals or individual pump stations or other appurtenances on private residential property;
- (o) Value engineering for water pollution control facilities (including storm water facilities).

(7) Projects or project elements eligible only for loans except in hardship situations. Certain projects or project elements, including, but not limited to, the following, may be eligible or partly eligible for centennial grant assistance when hardship has been determined by the department, and eligible for a centennial loan when hardship has not been demonstrated:

- (a) Construction of combined sewer overflow abatement;
- (b) Construction of facilities for the control, storage, treatment, disposal, or recycling of domestic wastewater to meet existing need;
- (c) Sewers and side sewer laterals on public property for infiltration and inflow correction projects;
- (d) Costs associated with transferring ownership of a small wastewater system to a public body;
- (e) Storm water quality control, treatment, installation, or rehabilitation necessary to protect surface and ground water;
- (f) An initial set of spare parts for equipment that is critical for a facility to operate in compliance with discharge permit requirements;
- (g) Sewer to replace existing water pollution control facilities.

(8) Loan or grant eligible projects or project elements. Certain projects or project elements, including, but not limited to, the following, may be eligible or partly eligible for centennial loan or grant assistance:

- (a) Aquatic plant control when it has been established that water quality degradation is due to the presence of aquatic plants, and sources of pollution have been addressed sufficiently to assure that pollution being remediated does not recur;
- (b) Implementation of best management practices on private property, where the practice consists of demonstration of new, innovative or alternative technology not yet demonstrated in the Washington state department of ecology region in which they are proposed, and where a public easement is given by the landowner;
- (c) Implementation of best management practices in the riparian zone on private property consisting of revegetation or fence construction and where a public easement is given by the landowner;
- (d) Implementation of best management practices on public property;
- (e) Computer equipment specific to funded project and identified in a funding agreement;
- (f) Annual meeting or conference registration fees where attendee is making a formal presentation related to the project;
- (g) Watershed plan development and implementation;
- (h) Diagnostic studies to assess current water quality;
- (i) Water quality education and stewardship programs;
- (j) Environmental checklists, assessments, and impact statements necessary to satisfy requirements for the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA);

- (k) Equipment and/or tools for activities projects as identified in a funding agreement;
- (l) Farm planning;
- (m) Ground water protection activities and programs;
- (n) Riparian and wetlands habitat restoration and enhancement, including revegetation;
- (o) Indirect costs at a rate of up to twenty-five percent, or as defined in the most current edition of *Administrative Requirements for Ecology Grants and Loans*;
- (p) Lake implementation projects and water quality planning activities on lakes with public access;
- (q) Landscaping for erosion control directly related to a project, or site-specific landscaping in order to mitigate site conditions and comply with requirements in the State Environmental Policy Act or the National Environmental Policy Act;
- (r) Monitoring effectiveness;
- (s) Monitoring equipment used in a funded project for water quality assessment;
- (t) Volunteer monitoring programs;
- (u) Monitoring water quality;
- (v) Costs associated with the establishment of an area-wide program for ongoing maintenance of on-site wastewater systems;
- (w) On-site wastewater system surveys;
- (x) Development and dissemination of model ordinances to prevent or reduce pollution from nonpoint sources;
- (y) Public participation and public awareness directly related to the project;
- (z) Light refreshments for advisory group meetings when specified in loan or grant agreement;
- (aa) Sales tax;
- (bb) Sediment reduction practices and projects;
- (cc) Stream restoration projects or other bioengineering for water quality purposes;
- (dd) Total maximum daily load study development and implementation;
- (ee) Training recipient staff to develop skills specific and necessary to the funded project and where the training is identified in the loan or grant agreement;
- (ff) User charge system development; wastewater or storm water utility rate studies;
- (gg) Comprehensive basin, watershed, and area-wide water quality planning;
- (hh) Implementation of eligible projects identified in watershed plans;
- (ii) Wellhead protection.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-060, filed 12/8/00, effective 1/8/01.]

WAC 173-95A-070 How does the Growth Management Act impact the use of funds? (1) A local government not in compliance with the Growth Management Act may not receive loans or grants from the department, except that, in limited circumstances, a local government that is not in compliance with the Growth Management Act may receive loans or grants from the department where necessary to address a public health need or substantial environmental degradation.

(2) For the purposes of this chapter, "compliance with the Growth Management Act" means that:

(a) A county, city, or town that is required to or chooses to plan under RCW 36.70A.040 has adopted a comprehensive plan and development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan and development regulations be adopted; and

(b) The county, city, or town has not been found out of compliance by a growth management hearings board; or

(c) A growth management hearings board has found a county, city, or town in compliance with the requirements of chapter 36.70A RCW, after previously finding the county, city, or town was not in compliance.

(3) For the purposes of this chapter, a public health need related to a loan or grant must be documented by a letter signed by the secretary of the Washington state department of health or his or her designee and addressed to the public official who signed the loan or grant application. "Public health need" means a situation where:

(a) There is a documented potential for:

(i) Contaminating a source of drinking water; or

(ii) Failure of existing wastewater system or systems resulting in contamination being present on the surface of the ground in such quantities and locations as to create a potential for public contact; or

(iii) Contamination of a commercial or recreational shellfish bed as to create a critical public health risk associated with consumption of the shellfish; or

(iv) Contamination of surface water so as to create a critical public health risk associated with recreational use; and

(b) The problem generally involves a serviceable area including, but not limited to, a subdivision, town, city, or county, or an area serviced by on-site sewage disposal systems; and

(c) The problem cannot be corrected through more efficient operation and maintenance of an existing wastewater disposal system or systems.

(4) For the purposes of this chapter, a substantial environmental degradation related to a loan or grant must be documented by a letter signed by the director of the department or his or her designee and addressed to the public official who signed the loan or grant application. "Substantial environmental degradation" means that:

(a) There is a situation causing real, documented, critical environmental contamination that:

(i) Contributes to violations of the state's water quality standards; or

(ii) Interferes with beneficial uses of the waters of the state; and

(b) The problem generally involves a serviceable area including, but not limited to, a subdivision, town, city, or county, or an area serviced by on-site sewage disposal systems; and

(c) The problem cannot be corrected through more efficient operation and maintenance of an existing wastewater disposal system or systems.

(5) A county, city, or town that has been offered a loan or grant for a water pollution control facilities project may not receive loan or grant funds while the county, city, or town is not in compliance with the Growth Management Act unless:

(a) Documentation showing that a public health need has been provided by the Washington state department of health;

or documentation showing that a substantial environmental degradation exists has been provided by the department; and

(b) The county, city, or town has provided documentation to the department that actions or measures are being implemented to address the public health need or substantial environmental degradation; and

(c) The department has determined that the project is designed to address only the public health need or substantial environmental degradation described in the documentation, and does not address unrelated needs including, but not limited to, provisions for additional growth.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-070, filed 12/8/00, effective 1/8/01.]

WAC 173-95A-080 What is the "step process" for planning facilities and activities projects? (1) The step process: The "step process" is a systematic method for proceeding with projects. The step process begins with site-specific planning, and continues through design to construction or implementation. It is required for facilities construction projects and, in a modified form, is required for some kinds of activities projects and recommended for all kinds of activities projects.

(2) The step process for facilities: To be eligible for a centennial loan or grant, facilities projects must follow the step process.

(a) Before a public body with a facilities project is eligible to apply for funds, all previous steps must be approved by the department in order to help ensure that funds are spent in a timely manner on projects proceeding towards a successful outcome. Funding for site-specific facilities planning (step one) or design (step two) does not guarantee the awarding of future loans or grants for construction (step three). The department will not sign a loan or grant agreement until all previous steps have been completed and approved by the department.

(b) Planning (step one): Step one involves the preparation of a site-specific facilities plan that identifies and prioritizes the cost-effective alternatives for addressing a water pollution control problem with or without state and federal funding. There is no prerequisite for planning. If there is an existing engineering report, prepared with or without department funding, it must be upgraded for centennial loan or grant eligibility if it does not meet the definition of a facilities plan.

(c) Design (step two): Step two includes the preparation of plans and specifications for use in construction. These must be based on the preferred cost-effective alternative identified in the facilities plan. Facilities plans must be approved by the department before an application for design can be considered for funding, regardless of whether or not the facilities planning documents were funded by a department grant or loan.

(i) Due to specific loan and grant review criteria, facilities plans approved by the department for purposes other than securing a loan or grant will not be accepted for design purposes.

(ii) Facilities plans approved by the department more than two years prior to the close of the loan and grant application period must contain evidence of recent review by the

department to ensure the document reflects current conditions.

(d) Construction (step three): Step three includes the actual building of facilities based on the approved design. Design must be approved by the department before an application for construction can be considered for funding.

(e) Design and construction (step four): In some cases, design and construction may be combined into one loan award, which is called step four. Different ceiling amounts apply to step four projects, as provided for in WAC 173-95A-030. Applications for step four loans will be accepted and considered for funding if it can be demonstrated that step two (design) can be completed and approved by the department within one year of the date the final offer list is made public.

(3) Prerequisite documents for facilities projects: Draft documents must be sent to the department's engineers at least sixty days prior to end of application cycle for approval by end of application cycle.

(4) Step deviations. A deviation from the step process may be allowed only in a situation where the Washington state department of health has declared a public health emergency and the proposed project would remedy this situation.

(a) In this situation, the department will accept applications for funding consideration that do not follow the step process. However, no loan or grant agreement will be signed until all previous steps have been completed and approved by the department. This deviation from the step process will only allow an application to be considered for funding - it does not guarantee that funding will be offered. It does not allow a loan to be awarded until all step requirements have been satisfied.

(b) If a deviation is approved, the applicant may deviate by only one step. For instance, the department could accept an application for design if planning was not completed and approved, or an application for construction if design was not completed and approved. However, the department may not accept an application for construction if planning was not completed and approved, which would be a two step deviation.

(5) The step process for activities.

(a) Two kinds of activities projects must follow the step process:

(i) Best management practices; and

(ii) Lake projects.

(b) In other cases, the step process for activities is not required, however the department encourages all applicants to plan activities.

(c) The steps involved in the step process for activities are:

(i) Planning (step one) involves the identification of problems and evaluation of cost-effective alternatives, based on environmental and economic considerations, for correcting and preventing water quality problems. Specific activities may include planning for watershed management, ground water management areas, lake restoration, and water quality assessment and other related activities. If the planning document is one that must be approved by a government agency or public body other than the applicant, it must be signed before the applicant is eligible to apply for step two funding.

(ii) Implementation (step two) includes the actual implementation of the project based on the planning document.

Where the project includes any type of construction, a design element may be included in step two.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-080, filed 12/8/00, effective 1/8/01.]

WAC 173-95A-090 What other laws, regulations or requirements must recipients comply with? (1) Recipients shall fully comply with all federal, state, and local laws and regulations related to procurement, discrimination, labor, job safety, and drug-free environments. The recipient shall also comply with the state and federal minority-and-women-owned businesses regulations. Applications must not be inconsistent with pertinent adopted water quality plans.

(2) If a loan or grant is provided for water pollution control facilities, recipients shall submit a declaration of construction of water pollution control facilities to the department within thirty days of project, phase, or segment completion.

(3) Recipients must maintain accounting records in accordance with "generally accepted government accounting standards." These standards are defined as, but not limited to, those contained in the United States General Accounting Office publication *"Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."*

(4) Accounting irregularities may result in an immediate stoppage of payment until irregularities are resolved. The director of the department may require immediate repayment of misused loan or grant funds.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-090, filed 12/8/00, effective 1/8/01.]

WAC 173-95A-100 How are grants and loans managed? (1) Timely use of funds: Projects funded with loans or grants from the centennial fund must be spent in a timely fashion so that funds are put to work for the water quality of the state as soon as possible. To accomplish this, certain time restrictions are placed on the use of funds as follows:

(a) Work on a project must be started within sixteen months of the publication date of the final offer list on which the project was proposed.

(i) Any expenditure of funds which is eligible for reimbursement under the terms of the loan or grant agreement constitutes starting the project.

(ii) No more than one time extension of no more than twelve months may be made when there are valid reasons for the extension and when the extension is included in the signed funding agreement with the department.

(iii) Valid reasons for a time extension allowing a start date more than sixteen months after the publication date of the final offer list are limited to:

(A) Schedules included in water quality permits, consent decrees, or enforcement orders; or

(B) The recipient and the department agree that there is a need to do work during an environmental window in a specific season of the year.

(iv) If the funding recipient has one of these valid reasons to wait longer than sixteen months to start the project, the reasons why it will take longer and the schedule the recipient will follow must both be stated clearly in a signed loan or grant agreement.

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(b) Work on a project must be completed within five years of the publication date of the final offer list on which the project was proposed or within a shorter time period if the shorter period is identified in the funding agreement for the project. When all work identified in the funding agreement scope of work is finished, the project is deemed to be completed. After the five-year time limit is reached, no further expenditures may be reimbursed unless an extension is made.

(i) No more than one time extension of no more than twelve months may be made when there are valid reasons for the extension; and

(A) The extension is requested no less than three months before the funding agreement is due to expire; and

(B) The department's water quality program manager agrees that the extension is for a valid reason.

(ii) Valid reasons for a time extension are limited to:

(A) Schedules included in water quality permits, consent decrees, or enforcement orders; or

(B) The recipient and the department agree that there is a need to do work during an environmental window in a specific season of the year.

(iii) If the funding recipient has one of these valid reasons to be allowed a time extension, the reasons why it will take longer and the schedule the recipient will follow must both be stated clearly in a signed amendment to the existing loan or grant agreement.

(c) In-kind goods and services may be used as match for activities grants subject to ceiling amount restrictions covered in WAC 173-95A-030 and subject to the most recent edition of *Administrative Requirements for Ecology Grants and Loans*.

(d) In-kind goods and services may be used as match for facilities grants only in the case of projects undertaken under the small town environmental program, or "STEP."

(2) Prior authorization to incur costs. In cases where a project has been identified on a final offer list, the applicant may make a written request to the water quality program manager, asking to begin incurring costs related to a loan or grant for which there is not yet a signed loan or grant agreement. If the department concurs with this request, the water quality program manager will send the applicant a letter authorizing the costs. The applicant incurs the costs at their own risk. When an agreement is signed, previously incurred costs that are not eligible under the terms of the agreement are the sole responsibility of the applicant.

(3) Appeals of loan and grant agreement decisions: The only decisions which may be appealed are written decisions by the department made during the effective loan or grant agreement period. Appeals must be filed in writing to the department within forty-five days from the date of the disputed decision. Following the final decision of a dispute, the department and the recipient shall proceed with the project in accordance with the decision rendered. Administrative or legal costs and other expenses incurred as part of an appeal will not be eligible for reimbursement.

(4) The department, or at the department's discretion another authorized auditor, may audit the loan or grant agreement and records.

(5) The administration of all loans and grants will be subject to all terms and conditions in a funding agreement signed by the department and by the recipient.

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(6) Ongoing management of most aspects of loan and grant projects is subject to the most recent edition of *Administrative Requirements for Ecology Grants and Loans*, copies of which will be provided to all recipients.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-100, filed 12/8/00, effective 1/8/01.]

WAC 173-95A-110 General provisions. (1) Other state and federal grant funding: Other grant funds provided by the state legislature, federal government, or from other sources will be managed in a manner consistent with the centennial rule.

(2) For all projects, the recipient must acknowledge department financial assistance in all reports, technical documents, publications, brochures, and other materials produced using funding from the loan or grant. All site-specific projects must have a sign of sufficient size to be seen from nearby roadways, acknowledging department financial assistance, and left in place throughout the life of the project. Department logos must be on all signs and documents. Logos will be provided as needed.

[Statutory Authority: Chapter 70.146 RCW. 01-01-042 (Order 00-10), § 173-95A-110, filed 12/8/00, effective 1/8/01.]

Chapter 173-98 WAC

USES AND LIMITATIONS OF THE WATER POLLUTION CONTROL REVOLVING FUND

WAC

173-98-010	What is the purpose of this chapter?
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173-98-030	How, and under what conditions, can money from the state water pollution control revolving fund be used?
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173-98-050	What are the limitations on the use of funds and how are the funds categorized?
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173-98-100	How do recipients comply with the state environmental review process?
173-98-110	What are the repayment options and schedules?
173-98-120	General provisions.

WAC 173-98-010 What is the purpose of this chapter? The purpose of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology from a special fund within the state treasury known as the state water pollution control revolving fund (SRF), as authorized by chapter 90.50A RCW. This fund provides financial assistance to applicants throughout the state of Washington who need such assistance to meet high priority water quality management needs.

[Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-010, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-010, filed 8/29/89, effective 9/29/89.]

WAC 173-98-020 What are the definitions of key terms? Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means the Federal Water Pollution Control Act (33 U.S.C. 4661 et seq.).

(2) "Applicant" means a public body that has applied for funding.

(3) "Best management practices" means physical, structural, and/or managerial practices approved by the department or by another agency with regulatory oversight that, when used singularly or in combination, prevent or reduce pollutant discharges.

(4) "Concentrated animal feeding operation" means an animal livestock feeding operation that discharges animal waste to the waters of Washington state more frequently than the twenty-five year, twenty-four hour storm event; or if the operation is under a department administrative order, notice of violation, a National Pollution Discharge Elimination System permit; or the operation will be required to have a National Pollution Discharge Elimination System permit coverage in the near future; or the department or the U. S. Environmental Protection Agency determines the operation is considered to be polluting the waters of Washington state.

(5) "Commercial, industrial, and institutional flows" means the portion of the total flows to a facilities project that originate from commercial establishments, industrial facilities, or institutional sources such as schools, hospitals, and prisons.

(6) "Construction" means the erection, installation, expansion, or improvement of water pollution control facilities or activities.

(7) "Cost-effective alternative" means that alternative with the lowest present worth or equivalent annual value that achieves the requirements of the project while recognizing the environmental and other nonmonetary considerations.

(8) "Defeasance" means the setting aside in escrow or other special fund or account of sufficient investments and money dedicated to pay all principal of and interest on all or a portion of an obligation as it comes due.

(9) "Department" means the Washington state department of ecology.

(10) "Design" means the plans and specifications for water pollution control facilities or activities.

(11) "Director" means the director of the Washington state department of ecology or his or her authorized designee.

(12) "Easement," for the purposes of this rule, means a written agreement between a public body and an individual landowner, that allows the public body to have access to the property at any time to inspect, maintain, or repair activities or facilities installed with a loan or a grant, or to hold occasional public tours of the site for educational purposes.

(13) "The effective date of the loan agreement" means the date the loan agreement is signed by the department's water quality program manager.

(14) "Enforcement order" means an administrative order that is a document issued by the department under the authority of RCW 90.48.120 and that directs a public body to complete a specified course of action within an explicit period of time to achieve compliance with the provisions of chapter 90.48 RCW.

(15) "Engineering report" means a report that evaluates engineering and other alternatives that meet the requirements set forth in chapter 173-240 WAC, Submission of plans and reports for construction of wastewater facilities.

(16) "EPA" means the United States Environmental Protection Agency.

(17) "Excess capacity" means water pollution control facilities capability beyond what is needed for the existing residential population to meet the water quality based effluent limitations in the recipient's National Pollution Discharge Elimination System or state waste discharge permit.

(18) "Existing residential need" means work required on the water quality based effluent limitations in the recipient's water pollution control facilities for the existing residential population in order to meet the recipient's National Pollution Discharge Elimination System or state waste discharge permit.

(19) "Facilities plan" means plans and studies necessary for treatment works to comply with enforceable requirements of the act and with state statutes. Facilities plans must include a systematic evaluation of alternatives that are feasible in light of the unique demographic, environmental or ecological, topographic, hydrologic and institutional characteristics of the area. Facilities plans must also demonstrate that the selected alternative is cost-effective.

(20) "Federal capitalization grant" means a federal grant awarded by EPA to the state as seed money to help establish the state water pollution control revolving fund.

(21) "Financial assistance" means each of the four types of assistance specified in WAC 173-98-030 (1)(b) through (f) and other assistance authorized by Title VI of the act and chapter 90.50A RCW.

(22) "Funding cycle" means the annual cycle of activities related to allocating funds for a single fiscal year.

(23) "Fund" means the state water pollution control revolving fund.

(24) "General obligation debt" means an obligation of the recipient secured by annual ad valorem taxes levied by the recipient and by the full faith, credit, and resources of the recipient.

(25) "Initiation of operation" means the actual date the water pollution control facilities initiates operation and the entity begins using the facilities for its intended purpose. This date may occur prior to final inspection and will be determined by the department after consultation with the recipient. This date may be the same or earlier than the date of project completion.

(26) "Infiltration and inflow" means water, other than wastewater, that enters a sewer system.

(27) "Infiltration and inflow correction" means the cost-effective alternative or alternatives identified in an approved facility plan for eliminating or reducing the infiltration and inflow from an existing sewer system.

(28) "Intended use plan (IUP)" means a plan identifying the intended uses by the department of the amount of funds available for financial assistance from the state water pollution control revolving fund (SRF) for that fiscal year as described in section 606(c) of the act. The projects on the intended use plan will be ranked by environmental and financial need.

(29) "Loan agreement" means a legal contract between a recipient and the state, enforceable under state law, and specifying the terms and schedules under which assistance is provided.

(30) "Loan default" means failure to make a loan repayment within sixty days after the payment was due.

(31) "Local prioritization process" means a process to prioritize projects locally.

(32) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to:

(a) Atmospheric deposition, surface water runoff from agricultural lands, urban areas, forest lands, subsurface or underground sources; and

(b) Discharges from boats or other marine vessels.

(33) "Plans and specifications" means the construction contract documents and supporting engineering documents prepared in sufficient detail to allow contractors to bid on and construct water pollution control facilities. "Plans and specifications" and "design" may be used interchangeably.

(34) "Project" means the scope of work for which financial assistance is issued.

(35) "Project completion" means the date the project is determined by the department as being complete.

(36) "Public body" means the state of Washington or any agency, county, city or town, other political subdivision, municipal corporation or quasi-municipal corporation, and those Indian tribes recognized as such by the federal government at the time the SRF loan agreement is signed.

(37) "Public health emergency" means a situation declared by the Washington state department of health in which illness or exposure known to cause illness is occurring or is imminent.

(38) "Recipient" means an applicant for financial assistance which has signed an SRF loan agreement.

(39) "Reserve account" means, for a loan that constitutes revenue-secured debt, the account of that name created in the loan fund to secure the payment of the principal and interest on the loan.

(40) "Revenue-secured debt" means an obligation of the recipient secured by a pledge of the revenue of a utility and one not of a general obligation of the recipient.

(41) "Scope of work" means a detailed description of a project, including measurable objectives useful for determining successful completion. The scope of work is negotiated between the department and the loan or grant recipient.

(42) "Senior lien obligations" means all revenue bonds and other obligations of the recipient outstanding on the date of execution of this agreement (or subsequently issued on a parity therewith, including refunding obligations) or issued after the date of execution of this agreement having a claim or lien on the gross revenue of the utility prior and superior to the claim or lien of the loan, subject only to maintenance and operation expense.

(43) "Severe public health hazard" means a situation declared by the state department of health and the department in which the potential for illness exists, even if the illness is not currently occurring or imminent. For the purposes of this chapter there must be contamination of drinking water or contamination must be present on the surface of the ground in such quantities and locations to create a potential for public

contact. The problem must generally involve a serviceable area including, but not limited to, a subdivision, town, city, or county. Also, the problem must be one which cannot be corrected through more efficient operation and maintenance of the wastewater disposal system(s).

(44) "Sewer" means a pipe and related pump stations located on public property, or on public rights of way and easements, that conveys wastewater from individual buildings or groups of buildings to a treatment plant.

(45) "Side sewer" means a sanitary sewer service extension from the point five feet outside the building foundation to the publicly owned collection sewer.

(46) "Small flows" means flows from commercial, industrial, or institutional sources that enter a sanitary sewer system.

(47) "State water pollution control revolving fund (SRF)" means the water pollution control revolving fund established by RCW 90.50A.020.

(48) "Step process" means a systematic process that facility projects must follow to be eligible for loans or grants.

(49) "Total eligible project cost" means the sum of all costs associated with a water quality project that have been determined to be eligible for loan or grant funding.

(50) "Total project cost" means the sum of all eligible and ineligible costs associated with a water quality project.

(51) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including, but not limited to, change in:

- (a) Temperature;
- (b) Taste;
- (c) Color;
- (d) Turbidity; or
- (e) Odor.

It also means a discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state that will or is likely to create a nuisance or render those waters harmful, detrimental, or injurious to the public health, safety, or welfare, or injurious to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(52) "Water pollution control activities" means actions taken by a public body to achieve the following purposes:

- (a) To control nonpoint sources of water pollution;
- (b) To develop and implement a comprehensive conservation and management plan for estuaries; and
- (c) To maintain, improve, or protect water quality through the use of water pollution control facilities, management programs, or other means.

(53) "Water pollution control facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater. Wastewater includes, but is not limited to, sanitary sewage, storm water, combined sewer overflows, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property integral to the treatment process, and interests in and improvements on real property necessary for or incidental to such purpose.

Water pollution control facilities also include facilities, equipment, and collection systems which are necessary to protect federally designated sole source aquifers.

(54) "Water resource inventory areas," sometimes referred to as "WRIAs," means one of sixty-two watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in chapter 173-500 WAC as it existed on January 1, 1997. All parts of the state of Washington are located in a single water resource inventory area.

[Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-020, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-020, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-020, filed 8/29/89, effective 9/29/89.]

WAC 173-98-030 How, and under what conditions, can money from the state water pollution control revolving fund be used? (1) Uses of the money. The state water pollution control revolving fund (SRF) may be used for the following purposes:

(a) To accept and retain funds from capitalization grants provided by the federal government, state matching funds appropriated in accordance with chapter 90.50A RCW, payments of principal and interest, and any other funds earned or deposited;

(b) To make loans to applicants in order to finance the planning, design, and/or the construction of water pollution control facilities, make loans to applicants for the implementation of nonpoint source pollution control management programs (which includes planning and implementing elements of the nonpoint source pollution assessment and management program), and make loans to applicants for the development and implementation of a comprehensive estuary conservation and management plan, subject to the requirements of the act;

(c) To provide loans for up to twenty years reserve capacity for water pollution control facilities;

(d) To buy or refinance the debt obligations incurred by applicants after March 7, 1985, for the construction of water pollution control facilities. (March 7, 1985, was the date that the amendments adding Title VI to the act were first considered by Congress. Any refinancing agreements must be for construction initiated after that date according to federal and state law);

(e) To guarantee or purchase insurance for local obligations where such an action would improve credit market access or reduce interest rates;

(f) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state, if the proceeds of those bonds will be deposited in the fund; and

(g) To finance the reasonable costs incurred by the department in the administration of the account as authorized by the act and chapter 90.50A RCW.

(2) Policies for establishing the terms of financial assistance. Recipients' interest rates will be based on the average market interest rate. The average market interest rate will be based on the daily market rate published in the *Bond Buyer's Index* for tax exempt municipal bonds for the period from sixty to thirty days before the SRF annual funding application

cycle begins, using the daily market interest rate for that period.

Loan terms and interest rates are as follows:

Repayment Period	Interest Rate
Up to five years:	Thirty percent of the average market rate.
More than 5 but no more than 20 years:	Sixty percent of the average market rate.

The director of the department of ecology or the director's designee may approve lower interest rates for the annual funding application cycle if a financial analysis of the fund demonstrates that lower interest rates for that year are not detrimental to the perpetuity of the fund.

(3) Financial hardship assistance for facilities construction.

(a) Financial hardship assistance may be available to loan recipients for the existing residential need portion of a water pollution control facilities construction project if the project will cause a residential sewer user charge in excess of one and one-half percent of the median household income.

(i) Median household income for this purpose is based on the most recent available census data, updated yearly based on inflation rates as measured by the Federal Bureau of Labor Statistics and published as the Consumer Price Index.

(ii) If median household income data are not available for a community or if the community disputes the data used by the department, the department will allow a local government to conduct a scientific survey to determine the median household income.

(iii) In situations where a project is proposed for an area with demographics which may not be representative of the entire census designated place, the department may require a scientific survey to determine the median household income.

(iv) In rare cases where financial hardship cannot be established using residential user fees as a percent of median household income financial hardship determinations will be made on a case-by-case basis.

(b) The need for hardship assistance is calculated on water pollution control facilities construction costs associated with existing residential need at the time an application for funding is received by the department. The analysis does not include costs for growth. For example, if an applicant applies for ten million dollars to finance facilities construction costs, where six million dollars is for existing residential need and the remaining four million dollars is for growth, the hardship analysis would be based on the six million dollars for existing residential need.

(c) If the department determines that financial hardship exists, it may make changes to the offer of financial assistance in an attempt to lower the residential user charges below the financial hardship level for the existing residential need. These changes may include:

(i) Changing the structure of the loan agreements with terms to lengthen the repayment period to a maximum of twenty years, lowering the interest rate, or a combination of a lower interest rate and an extended term; and, if this is not sufficient,

(ii) Offering partial centennial grant funding as allowable under the provisions of chapter 173-95A WAC.

(2007 Ed.)

(d) If an applicant is requesting financial hardship assistance, it should submit a completed financial hardship analysis form with its application for financial assistance.

[Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-030, filed 12/8/00, effective 1/8/01; 00-09-010 (Order 00-02), § 173-98-030, filed 4/7/00, effective 5/8/00. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-030, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-030, filed 8/29/89, effective 9/29/89.]

WAC 173-98-040 Where can I obtain more detail about the application, review, and issuance processes for funds from the state water pollution control revolving fund?

(1) Applicants must apply for financial assistance in order to be considered for funding and for their projects to be included on the intended use plan. Projects must be on a current or past intended use plan in order to receive SRF loans.

(a) A schedule of the annual funding cycle will be published no later than the last business day of November each year, for the funding corresponding to the next state fiscal year.

(b) The period during which applications are accepted each year will last a minimum of sixty days, and application forms and guidelines for that year will be made available at the beginning of that period.

(c) In the first thirty days of the period during which applications are accepted each year, the department will conduct at least one application workshop in each of the department's four regions.

(d) When there is limited demand for funds from the current funding cycle, projects from any past intended use plan, starting with the most recent, may be funded in priority order, where:

(i) Cost overruns to a funded project are shown to be justifiable; or

(ii) Final cost reconciliation shows that higher costs are reasonable; or

(iii) The applicant received partial funding for the project and the change is shown on a current intended use plan.

(2) The application for funding will consist of two parts. Part one of the application will request information for identification, description, and other information about the project for tracking purposes, and part two of the application will request information about the water quality problem or problems being addressed by the project and the proposed solutions to the problems. In the application, applicants will be asked to fully describe the environmental and financial need for the project. Applications for SRF financial assistance for facilities projects must address problems such as public health emergencies, severe public health hazards, the need to provide secondary or advanced treatment, the need to improve and protect water quality, reduction of combined sewer overflows, and other environmental needs. Applications for SRF financial assistance for nonpoint projects must implement the remedies and prevention of water quality degradation associated with nonpoint source water pollution and must not be inconsistent with needs identified in the department's approved nonpoint source pollution management plan.

(3) The application form, part two, will include five main question areas, each with subsidiary questions designed to

elicit the information needed to evaluate the project. The maximum points awarded for these question areas equal ninety percent of the total possible score with a maximum of ten percent coming from the local prioritization. The five main question areas and their associated maximum point percentages are:

(a) "What is the overall water quality problem and how will the problem be solved or addressed by the project?" This question is intended for general background purposes and to give evaluators an overview of the proposed project; no points are assigned.

(b) "What are the specific public health and water quality impairments caused by the problem and what are the pollution prevention aspects?" This question area is worth a maximum of thirty-four percent of the total score.

(c) "How will your proposed project address the water quality problem, and what are your measures of success?" This question area is worth a maximum of thirty-four percent of the total score.

(d) "What are some of the local initiatives you have taken that will help make your project a success?" This question area is worth a maximum of twelve percent of the total score.

(e) "Are there any state of Washington or federal mandates that this proposed project addresses?" This question area is worth a maximum of ten percent of the total score.

(f) "Local prioritization process." This question area is worth a maximum of ten percent of the total score. The local prioritization process is described in detail in WAC 173-95A-050.

(4) The department will evaluate the proposed projects based on the information contained in the applications.

(a) Projects will be ranked according to potential water quality benefit and protection of public health.

(b) Projects which have the highest environmental and public health need will be given priority for financial assistance under the SRF program.

(c) Because funds must be used in a timely manner, readiness to proceed is also used in establishing the priority of projects.

(d) Other factors, including funding provisions in chapter 90.50A RCW and provisos identified in the department's biennial capital budget, relationship to the department's published plans such as the *Water Quality Management Plan to Control Nonpoint Sources of Pollution* and total maximum daily load studies, and relationship to published plans created by other federal and state agencies will be included in the priority evaluation.

(e) The department will request other agencies to provide evaluation assistance as needed, including but not limited to, the Washington state conservation commission, the Puget Sound action team, and the Washington state department of health.

(f) The department will coordinate maximum funding amounts and other issues with other state and federal funding agencies when possible.

(5) The total score that each proposed project receives based on the application form, part two, will be added to the local prioritization score (see WAC 173-95A-050 for more information on the local priority-setting process) to develop the final score for the proposed project.

(6) The department will prepare a draft intended use plan each year after evaluating all applications. The draft intended use plan will list projects in rank order starting with the project receiving the most points in its final score. This will also generally be the order that projects may be offered financial assistance. After issuing the draft intended use plan the department will allow a minimum of thirty days for public review and comment on the draft intended use plan. No later than fifteen days before the end of the public review and comment period the department will conduct at least one workshop to explain the draft intended use plan, answer questions about the draft intended use plan and the evaluation process, and provide details on the public comment process.

(7) The final intended use plan will be issued no later than sixty days after the end of the public review and comment period. The final intended use plan will reflect any changes made as a result of public comments or other information received during the public review and comment period, and will include a responsiveness summary. The final intended use plan will generally list projects in the order that projects may be offered financial assistance.

[Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-040, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-040, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-040, filed 8/29/89, effective 9/29/89.]

WAC 173-98-050 What are the limitations on the use of funds and how are the funds categorized?

(1) The fund may be used to provide financial assistance to applicants for the construction of water pollution control facilities which are identified in the intended use plan and activities eligible for assistance under sections 319 and 320 of the act.

(2) Unless the demand for funding is limited SRF loan agreements are subject to the following funding category limitations:

(a) Water pollution control facilities category: Not more than eighty percent of the fund will be available for the construction of facilities as established under section 212 of the act and subject to the requirements of that act. Those projects will be under the water pollution control facilities category.

(b) Nonpoint source and comprehensive estuary conservation and management category: Not more than twenty percent of the fund will be available for the implementation of programs or projects established under the department's approved nonpoint source pollution management plan established under section 319 of the act, and intended for the management of nonpoint sources of pollution, and subject to the requirements of that act, or for programs or projects established under a comprehensive conservation and management plan under section 320 of the act relating to the National Estuary Program, and subject to the requirements of that act. Those projects will be under the nonpoint source and comprehensive estuary conservation and management category.

(c) Not more than fifty percent of the fund in each category will be available to any one applicant.

(3) In accordance with federal law, loan offers identified on the final intended use plan will be effective for up to one year from the date of the offer. All SRF loan offers that do not result in a signed SRF loan agreement within the effective

offer period are automatically terminated. Funds reserved for SRF loan agreements that are not signed within the effective period may be carried over and made available for the next year's funding cycle.

(4) The fund may not be used for activities primarily directed toward water resources or water pollution control activities or facilities or portions of those facilities that are primarily intended to control, transport, treat, dispose, or otherwise manage commercial, institutional, or industrial wastewater or other water pollution control needs from those sites. Costs associated with commercial, institutional, or industrial pretreatment are not eligible for funding. However, commercial, institutional, or industrial wastewater flows attributable to a public body's water pollution control facilities which are determined by the department to be "small" may be allowed. Flows from individual commercial, industrial, or institutional sources are considered small when they are less than five percent of the total existing needs, as identified by the department's engineers. Collectively, flows from all individual commercial, industrial, or institutional sources are considered small when they are less than thirty percent of the total existing needs, as identified by the department's engineers.

(5) The fund may not be used to make direct loans to applicants to support the nonfederal share of eligible portions of projects receiving assistance under Title II of the act. The fund may be used to finance portions of such projects which were determined to be ineligible for federal assistance but which are eligible under the SRF program.

(6) Noneligible project costs include, but are not limited to, the following:

(a) Acts of nature: Projects related to acts of nature that alter the natural environment, thereby causing water quality problems;

(b) Aquatic plant control for aesthetic reasons, navigational improvements, or other purposes unrelated to water quality;

(c) Concentrated animal feeding operations except those located in the federally designated Puget Sound and lower Columbia River estuaries;

(d) Engineering reports;

(e) Facilities that propose to meet or maintain primary treatment of domestic sewage;

(f) Flood control: Projects primarily designed to provide flood control;

(g) Water pollution control activities or facilities or portions of those facilities that are primarily intended to control, transport, treat, dispose, or otherwise manage commercial, institutional or industrial wastewater or other water pollution control needs from those sites;

(h) Lake implementation projects where there is no public access;

(i) Permit fees;

(j) Costs associated with commercial, institutional or industrial pretreatment;

(k) Professional dues;

(l) Reclamation of abandoned mines;

(m) Projects proposed by Washington state agencies or federal agencies will not be funded; except that activities projects undertaken by state institutions of higher education are eligible to apply for funding when the activities are not part of the school's statutory responsibilities.

(n) Scientific research unrelated to a specific project;

(o) Sewers: Side sewer laterals or individual pump stations on private residential property, or other appurtenances where the facilities are not owned and maintained by a public body;

(p) Solid and hazardous waste facilities;

(q) Storm water activities and facilities associated exclusively with flood control;

(r) Projects or project elements solely addressing water quantity or other water resource issues.

(7) Noneligible project component costs include, but are not limited to, the following:

(a) Bond costs for debt issuance;

(b) Employee training not related to or identified in an SRF loan agreement;

(c) Equipment required for site and building maintenance;

(d) Facilities components:

(i) Abandonment of existing structures;

(ii) Bonus or acceleration payments to contractors to meet contractual completion dates for construction;

(iii) Capacity in excess of twenty years;

(iv) Construction claims and associated costs determined to be nonmeritorious;

(v) Construction claims, meritorious, in excess of the maximum allowable loan amount;

(vi) Corrective action plans for the one-year performance certification program;

(vii) Cost-plus-a-percentage-of-cost contracts (also known as multiplier contracts);

(viii) Demolition of structures that are not interfering with proposed construction, replacement parts, other than those for an initial set of spare parts for equipment that is critical for facilities to operate in compliance with discharge permit requirements;

(e) Fines and penalties due to violations of or failures to comply with federal, state, or local laws;

(f) Interest on bonds, interim financing, and associated costs to finance projects;

(g) Lake implementation projects where there is no public access;

(h) Land acquisition for siting of wastewater treatment plants, sewer rights of way, and easements, and associated costs;

(i) Landscaping for aesthetic reasons;

(j) Legal expenses other than those associated with development of local ordinances for water quality protection and improvement or associated with the use of a bond counsel in developing a loan agreement;

(k) Lobbying or expenses associated with lobbying;

(l) Monitoring equipment used by an industry for sampling and analyzing industrial discharges to municipal water pollution control facilities;

(m) Office equipment;

(n) Operating expenses of local government, such as the salaries and expenses of a mayor, city council member, and/or city attorney;

(o) Overtime differential paid to employees of local government to complete administrative or force account work;

(p) Personal injury compensation or damages arising out of the project, whether determined by adjudication, arbitration, negotiation, or other means;

(q) Preparation of loan or grant applications;

(r) Previously funded objectives financed with an SRF loan;

(s) Rework costs;

(t) Routine or ongoing operation and maintenance costs;

(u) Seminar and conference fees not identified in an SRF loan agreement;

(v) Vehicle purchase or lease except those vehicles that are integral to a treatment process e.g., sludge truck.

[Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-050, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-050, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-050, filed 8/29/89, effective 9/29/89.]

WAC 173-98-060 What is the step process for planning facilities and activities projects? (1) The step process: The "step process" is a systematic method or proceeding with projects. The step process begins with site-specific planning, and continues through design to construction or implementation. It is required for facilities construction projects and, in a modified form, is required for some kinds of activities projects.

(2) The step process for facilities. To be eligible for an SRF loan, facilities projects must proceed according to the "step process."

(a) Before a public body with a facilities project is eligible to apply for funds, all previous steps must be approved by the department in order to help ensure that funds are well spent on projects proceeding towards a successful outcome. Funding for site-specific facilities planning (step one) or design (step two) does not guarantee the awarding of future loans for construction (step three). The loan agreement will not be signed until all previous steps have been completed and approved by the department.

(b) Planning (step one). Step one involves the preparation of a site-specific facilities plan that identifies and prioritizes the cost-effective alternatives for addressing a water pollution control problem with or without state and federal funding. There is no prerequisite for planning. If there is an existing engineering report, prepared with or without department funding, it must be upgraded for SRF eligibility if it does not meet the definition of a facilities plan.

(c) Design (step two). Step two includes the preparation of plans and specifications for use in construction. These must be based on the preferred cost-effective alternative identified in the facilities plan.

(i) Facilities plans must be approved by the department before an application for design can be considered for funding. Site-specific facilities planning documents not funded by a department grant or loan must also be approved by the department before an application for design can be considered.

(ii) Due to specific loan review criteria, a facilities plan approved by the department for purposes other than securing a loan will not be accepted for design purposes.

(iii) Facilities plans approved by the department more than two years prior to the close of the SRF application period must contain evidence of recent department review to ensure the document reflects current conditions.

(d) Construction (step three). Step three includes the actual building of facilities based on the approved design.

Design must be approved by the department before an application for construction can be considered for funding.

(e) Design and construction (step four). In some cases, design and construction may be combined into one loan award. Applications for step four loans will be accepted and considered for funding if it can be demonstrated that step two design can be completed and approved by the department within one year of the date the final intended use plan is made public. The SRF loan share of the total eligible project under step four cannot exceed fifty percent of the amount available in the appropriate funding category, or one million dollars, whichever is less.

(f) Step compliance and step deviations. There is one situation in which a deviation from the step process can be allowed:

(i) If the Washington state department of health has declared a public health emergency and if the proposed project would remedy this situation.

(ii) In this situation, the department will accept applications for funding consideration that do not follow the step process. However, no loan agreement will be signed until all previous steps have been completed and approved by the department. This deviation from the step process will only allow an application to be considered for funding. It does not allow a loan to be awarded until all step requirements have been satisfied.

(iii) If a deviation is approved, the applicant may deviate by only one step. For instance, the department could accept an application for design if planning was not completed and approved, or an application for construction if design was not completed and approved. However, the department may not accept an application for construction if planning was not completed and approved.

(3) Prerequisite documents for facilities projects: Draft documents must be sent to the department's engineers at least sixty days prior to end of application cycle for approval by end of application cycle.

(4) The step process for activities. In most cases, the step process for activities is not required. However, those applications proposing to implement a specific project identified in a completed comprehensive plan are given additional consideration in the evaluation process. Agricultural best management practices that involve improvements on private property, or lake projects, must follow the step process.

(a) Planning (step one) involves the identification of problems and evaluation of cost-effective alternatives, based on environmental and economic considerations, for correcting and preventing water quality problems. Specific activities may include planning for watershed management, ground water management areas, lake restoration, and water quality assessment and other related activities.

(b) Implementation (step two) includes the actual implementation of the project based on the approved planning document.

[Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-060, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-060, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-060, filed 8/29/89, effective 9/29/89.]

WAC 173-98-070 What other laws, regulations, or requirements must recipients comply with? (1)(a) All recipients shall comply with all applicable federal, state, and local laws, orders, regulations, and permits. Applications must not be inconsistent with pertinent adopted water quality plans including, but not limited to, plans under sections 208, 303(e), 319, and 320 of the act.

(b) The Puget Sound water quality management plan constitutes the comprehensive conservation and management plan required in section 320 (b)(4) of the act. Plans must not be inconsistent with shoreline master programs, ground water management programs and storm water plans, combined sewer overflow (CSO) reduction plans and county or city comprehensive sewer plans.

(c) In accordance with the SRF loan agreement, the applicant shall provide assurances that the necessary permits required by authorities having jurisdiction over the project have been secured. Copies must be available to the department, upon request.

(2) Recipients shall fully comply with all federal, state, and local laws and regulations related to procurement, discrimination, labor, job safety, and drug-free environments. The recipient shall also comply with the state and federal minority-and-women-owned businesses regulations.

(3) If an SRF loan is provided for water pollution control facilities, recipients shall submit a declaration of construction of water pollution control facilities to the department within thirty days of project, phase, or segment completion.

(4) Recipients must maintain accounting records in accordance with "generally accepted government accounting standards." These standards are defined as, but not limited to, those contained in the United States General Accounting Office (GAO) publication "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions." For example, charges must be properly supported, related to eligible costs, and documented by appropriate records. These accounts must be maintained as separate accounts.

(5) Accounting irregularities may result in an immediate stoppage of payment until irregularities are resolved. The director may require immediate repayment of misused loan funds.

(6) According to RCW 90.50A.060, in the event of loan default, the state of Washington may withhold any amounts otherwise due to the recipient from the state and direct that such moneys be applied to the indebtedness and deposited into the SRF.

(7) Appeals of SRF loan agreement decisions will be processed in accordance with the water quality financial assistance appeals procedure. The only decisions which can be appealed are written decisions by the department made during the effective SRF loan agreement period. Appeals must be filed in writing to the department within forty-five days from the date of the disputed decision. Following the final decision of a dispute, the department and the recipient shall proceed with the project in accordance with the decision

rendered. Administrative or legal costs and other expenses incurred as part of an appeal will not be eligible for reimbursement.

(8) The department, or at the department's discretion another authorized auditor, will audit the SRF loan agreement and records.

(9) Recipients shall maintain comprehensive insurance coverage on the project for an amount equal to the funds disbursed.

[Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-070, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-070, filed 8/29/89, effective 9/29/89.]

WAC 173-98-075 How does the Growth Management Act impact the use of funds? (1) A local government not in compliance with the Growth Management Act may not receive loans or grants from the department, except that, in limited circumstances, a local government that is not in compliance with the Growth Management Act may receive loans or grants from the department where necessary to address a public health need or substantial environmental degradation.

(2) For the purposes of this chapter, "compliance with the Growth Management Act" means that:

(a) A county, city, or town that is required to or chooses to plan under RCW 36.70A.040 has adopted a comprehensive plan and development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan and development regulations be adopted; and

(b) The county, city, or town has not been found out of compliance by a growth management hearings board; or

(c) A growth management hearings board has found a county, city, or town in compliance with the requirements of chapter 36.70A RCW, after previously finding the county, city, or town was not in compliance.

(3) For the purposes of this chapter, a public health need related to a loan or grant must be documented by a letter signed by the secretary of the Washington state department of health or his or her designee and addressed to the public official who signed the loan or grant application. "Public health need" means a situation where:

(a) There is a documented potential for:

(i) Contaminating a source of drinking water; or

(ii) Failure of existing wastewater system or systems resulting in contamination being present on the surface of the ground in such quantities and locations as to create a potential for public contact; or

(iii) Contamination of a commercial or recreational shellfish bed as to create a critical public health risk associated with consumption of the shellfish; or

(iv) Contamination of surface water so as to create a critical public health risk associated with recreational use; and

(b) The problem generally involves a serviceable area including, but not limited to, a subdivision, town, city, or county, or an area serviced by on-site sewage disposal systems; and

(c) The problem cannot be corrected through more efficient operation and maintenance of an existing wastewater disposal system or systems.

(4) For the purposes of this chapter, a substantial environmental degradation related to a loan or grant must be documented by a letter signed by the director of the department or his or her designee and addressed to the public official who signed the loan or grant application.

"Substantial environmental degradation" means that:

(a) There is a situation causing real, documented, critical environmental contamination that:

(i) Contributes to violations of the state's water quality standards; or

(ii) Interferes with beneficial uses of the waters of the state; and

(b) The problem generally involves a serviceable area including, but not limited to, a subdivision, town, city, or county, or an area serviced by on-site sewage disposal systems; and

(c) The problem cannot be corrected through more efficient operation and maintenance of an existing wastewater disposal system or systems.

(5) A county, city, or town that has been offered a loan or grant for a water pollution control facilities project may not receive loan or grant funds while the county, city, or town is not in compliance with the Growth Management Act unless:

(a) Documentation showing that a public health need has been provided by the Washington state department of health; or documentation showing that a substantial environmental degradation exists has been provided by the department of ecology; and

(b) The county, city, or town has provided documentation to the department that actions or measures are being implemented to address the public health need or substantial environmental degradation; and

(c) The department has determined that the project is designed to address only the public health need or substantial environmental degradation described in the documentation, and does not address unrelated needs including, but not limited to, provisions for additional growth.

[Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-075, filed 12/8/00, effective 1/8/01.]

WAC 173-98-080 Indemnification. (1) The department shall in no way be held responsible for payment of salaries, consultant's fees, and other overhead costs related to an SRF loan agreement issued to a recipient.

(2) To the extent that the Constitution and laws of the state of Washington permit, the recipient shall indemnify and hold the department harmless from and against any liability for any or all injuries to persons or property arising out of an SRF loan agreement except for such damage, claim, or liability resulting from the negligent act or omission of the department.

[Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-080, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-080, filed 8/29/89, effective 9/29/89.]

WAC 173-98-090 How are loans managed? (1) Timely use of funds: Projects funded with loans must be spent in a timely fashion so that funds are put to work for the water quality of the state as soon as possible. To accomplish

this, certain time restrictions are placed on the use of funds as follows:

(a) Work on a project must be started within sixteen months of the publication date of the final intended use plan on which the project was proposed.

(i) Any expenditure of funds which is eligible for reimbursement under the terms of the loan agreement constitutes starting the project.

(ii) No more than one time extension of no more than twelve months may be made when there are valid reasons for the extension and when the extension is included in the signed funding agreement with the department.

(iii) Valid reasons for a time extension allowing a start date more than sixteen months after the publication date of the final intended use plan are limited to:

(A) Schedules included in water quality permits, consent decrees, or enforcement orders; or

(B) The recipient and the department agree that there is a need to do work during an environmental window in a specific season of the year.

(iv) If the funding recipient has one of these valid reasons to wait longer than sixteen months to start the project, the reasons why it will take longer and the schedule the recipient will follow must both be stated clearly in a signed loan agreement.

(b) Work on a project must be completed within five years of the publication date of the final intended use plan on which the project was proposed or within a shorter time period if the shorter period is identified in the funding agreement for the project. When all work identified in the funding agreement scope of work is finished, the project is deemed to be completed. After the five-year time limit is reached, no further expenditures may be reimbursed unless an extension is made.

(i) No more than one time extension of no more than twelve months may be made when there are valid reasons for the extension; and

(A) The extension is requested no less than three months before the funding agreement is due to expire; and

(B) The department's water quality program manager agrees that the extension is for a valid reason.

(ii) Valid reasons for a time extension are limited to:

(A) Schedules included in water quality permits, consent decrees, or enforcement orders; or

(B) The recipient and the department agree that there is a need to do work during an environmental window in a specific season of the year.

(iii) If the funding recipient has one of these valid reasons to be allowed a time extension, the reasons why it will take longer and the schedule the recipient will follow must both be stated clearly in a signed amendment to the existing loan agreement.

(2) Prior authorization to incur costs. In cases where a project has been identified on a final intended use plan, the applicant may make a written request to the water quality program manager, asking to begin incurring costs related to a loan for which there is not yet a signed loan agreement. If the department concurs with this request, the water quality program manager will send the applicant a letter authorizing the costs. The applicant incurs the costs at their own risk. When an agreement is signed, previously incurred costs that are not

eligible under the terms of the agreement are the sole responsibility of the applicant.

(3) The administration of all loans will be subject to all terms and conditions in a funding agreement signed by the department and by the recipient.

(4) Ongoing management of most aspects of loan projects is subject to the most recent edition of *Administrative Requirements for Ecology Grants and Loans*, copies of which will be provided to all recipients.

[Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-090, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-090, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-090, filed 8/29/89, effective 9/29/89.]

WAC 173-98-100 How do recipients comply with the state environmental review process? (1) All recipients which receive SRF loans must meet the provisions of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and the SEPA rules, chapter 197-11 WAC. Additional provisions are currently needed by federal law under Title VI of the act to satisfy the state's responsibility to help ensure that recipients comply with the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and executive orders. The lead agency (WAC 197-11-050(2)) responsible for SEPA compliance for each project under the SRF program shall also comply with the following additional provisions. When a categorical exclusion, finding of no significant impact, or a record of decision has been issued under NEPA for the same project scope of work, no additional environmental documentation is required. Applicants will need to adopt the federal environmental documentation to meet their responsibilities as required by SEPA rules WAC 197-11-600, 197-11-610, and 197-11-630. If federal environmental documentation has not been submitted for approval to the appropriate federal agency, applicants and designated lead agencies must:

(a) Consult with the department before determining that the project is categorically exempt from SEPA and obtain concurrence that the project meets the criteria for a categorical exemption (WAC 197-11-305) and give public notice of the categorical exemption by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where the public may review the facilities plan and other environmental information.

(b) Consult with the department prior to issuing a threshold determination (WAC 197-11-330), and submit a copy of the environmental checklist (WAC 197-11-315) and a recommended threshold determination to the department.

(c) Obtain written concurrence from the director with the recommended threshold determination as to whether a determination of nonsignificance (DNS) (WAC 197-11-340) or an environmental impact statement (EIS) is to be issued prior to issuing the actual document.

(d) Issue the threshold determination, determination of nonsignificance (DNS) or determination of significance (DS) (WAC 197-11-360) and submit copies to the department; two copies shall be sent to the department's environmental review section and one copy to the regional water quality program

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(WQ) of the department. The director must concur in writing with the findings of the checklist and DNS if a DNS is issued.

(e) Give public notice of the threshold determination by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where the public may review the threshold determination, facilities plan, and other environmental information.

(f) Distribute copies of the threshold determination and supporting documents to other affected local, state, and federal agencies, Indian tribes, and the public.

(g) When a DS is issued, the lead agency will develop the final scope of elements to be addressed in the environmental impact statement (EIS) and obtain written concurrence from the director. The department shall be consulted throughout the EIS process.

(h) Distribute copies of the draft and final EIS to the department; two copies shall be sent to both the environmental review section and the department's water quality program.

(i) Give public notice of the draft and final EIS by publishing notices in a newspaper of area-wide circulation. Notices shall include the locations where the public may review the draft and final EIS or obtain copies.

(j) Distribute copies of the draft and final EIS to other affected local, state, and federal agencies, Indian tribes, and the public.

(k) The director must concur in writing with the finding of the final EIS.

(2) The lead agency shall issue a notice of action for the final EIS regarding the preferred alternative in accordance with RCW 43.21C.080, WAC 197-11-680, and 197-11-990.

(3) A cost-effectiveness analysis will be required for all SRF projects. Planning must include a comparison of the total cost, i.e., capital, operation and maintenance, and replacement costs of the project with other alternatives, including the no action alternative. The comparison of the total costs, e.g., total present worth or annual equivalent costs of projects for the planning period, must be included. Cost-effective analyses must also include nonmonetary cost of the project, i.e., the environmental impact, resource utilization, implementability, etc. This analysis must be included in the planning document and must be summarized in the EIS or DNS. Financial assistance under the SRF program will be offered to the cost-effective solution to the water pollution control problem.

(4) All mitigation measures committed to in the environmental checklist or state EIS, or in the finding of no significance impact/environmental assessment or record of decision/federal EIS (for federally approved projects) will become SRF loan agreement conditions. Applicants must complete all mitigation measures required. Failure to abide by these conditions will result in withholding of payments and may result in immediate repayment of the loan.

(5) The applicant must comply with the requirements of applicable environmental laws, regulations, and executive orders. Concurrence from the director will be based on best available information provided by the applicant. The department is not responsible for concurrence based on erroneous information.

[Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-100, filed 11/24/98, effective 12/25/98.]

Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-100, filed 8/29/89, effective 9/29/89.]

WAC 173-98-110 What are the repayment options and schedules? (1) General provisions.

When the scope of work identified in the SRF loan agreement has been fully completed and/or the initiation of operation date has been determined:

(a) The department and recipient will execute a final SRF loan agreement amendment which details the final loan amount. This amount will include the principal from disbursements made to recipients and accrued interest. Interest will accrue on each disbursement as it is paid to the recipient.

(b) The department will prepare according to the SRF loan agreement, a repayment schedule which fully amortize the final loan amount within twenty years of project completion. The first repayment of principal and interest will be due no later than one year after the initiation of operation date or at project completion date, whichever occurs first. Equal payments will be due every six months after this first payment. Loan balances may be repaid or additional principal payments may be made at any time without penalty.

(c) If any amount of the final loan amount or any other amounts owed to the department remains unpaid after it becomes due and payable, the department may assess a late charge. The late charge shall be additional interest at the rate of one percent per month, or fraction thereof, starting on the date the debt becomes past due and until it is paid in full.

(d) If the due date for any semiannual payment falls on a Saturday, Sunday, or designated holiday for Washington state agencies, the payment shall be due on the next business day for Washington state agencies.

(2) Phased or segmented project. Where a project has been phased or segmented, the general provisions for repayment shall apply to the completion of individual phases or segments.

(3) More than five years to complete project. When a project approved by the department takes longer than five years to complete, loan repayment must begin within five years of the first disbursement for the project, unless the director determines that the fund is fiscally sound without this repayment schedule. Repayments for these loans must follow the general provisions as outlined in subsection (1)(b) of this section.

(4) Security for loan repayment. Loans shall be secured by a general obligation pledge or a revenue pledge of the recipient. The obligation of the recipient to make loan repayments from the sources identified in its SRF loan agreement shall be absolute and unconditional, and shall not be subject to diminution by setoff, counterclaim, or abatement of any kind.

(a) General obligation. When repayment of a loan is secured by a general obligation pledge, the recipient shall pledge for so long as the loan is outstanding, to include in its budget and levy taxes annually within the constitutional and statutory tax limitations provided by law without a vote of its electors, on all of the taxable property within its boundaries in an amount sufficient, together with other money legally available and to be used for loan repayment, to pay when due the principal of and interest on the loan, and the full faith, credit, and resources of the recipient shall be pledged irrevocably for the annual levy and collection of those taxes and the prompt payment of the principal of and interest on the loan.

(b) Revenue obligation. Repayment of a loan may be secured by an irrevocable pledge of the net revenues of the recipient's utility and, in appropriate cases, utility local improvement district assessments. In such cases:

(i) Lien position. Repayment of a loan shall constitute a lien and charge (A) upon the net revenues of the recipient's utility prior and superior to any other charges whatsoever, except that the lien and charge shall be junior and subordinate to the lien and charge of any senior lien obligations and, (B) if applicable, upon utility local improvement district assessments prior and superior to any other charges whatsoever.

(ii) Reserve requirement. For loans that are revenue-secured debt with terms greater than five years, the recipient must accumulate a reserve for the loan equivalent to at least the average annual debt service on the loan during the first five years of the repayment period of the loan. This amount shall be deposited in a reserve account in the loan fund in approximately equal annual payments commencing within one year after the initiation of operation or the project completion date, whichever comes first. "Reserve account" means, for a loan that constitutes revenue-secured debt, an account of that name created in the loan fund to secure the payment of the principal of and interest on the loan. The amount on deposit in the reserve account may be applied by the recipient (A) to make, in part or in full, the final repayment to the department of the loan amount or, (B) if not so applied, for any other lawful purpose of the recipient once the loan amount, plus interest and any other amounts owing to the department hereunder, have been paid in full.

(5) Repayment from other than pledged sources. A recipient may repay any portion of its loan from any legally available funds other than those pledged in its SRF loan agreement to repay the loan.

(6) No defeasance or advance refunding. So long as the department holds a loan, the recipient shall not be entitled to, and shall not effect, its economic defeasance or advance refunding.

[Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-110, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-110, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-110, filed 8/29/89, effective 9/29/89.]

WAC 173-98-120 General provisions. (1) Sale of facilities to private enterprises. Recipients may sell facilities for which the SRF loan was provided to private enterprises; however, the SRF loan agreement must be terminated in accordance with the terms of the agreement and the assistance repaid to the SRF immediately upon sale.

(2) Refinancing. The refinancing of existing debt obligations shall be limited to water pollution control facilities where project construction began after March 7, 1985. Applicants requesting refinancing must meet all the requirements contained in the act. They must be on the intended use plan before assistance will be offered and must be eligible to receive such assistance. There are two kinds of refinance with different regulations:

(a) **Interim refinance:** Interim refinance refers to a project which is still in progress and for which the applicant went forward on their own accord and using funding from a source other than the department. For projects in this category, applicants for funding should apply in the same manner as any other project, making certain to clearly state that the project is underway and that they have secured all prerequisite documents.

(b) **Standard refinance:** Standard refinance refers to a project which has been completed using funding from a source other than the department.

(i) Standard refinance projects will only be funded if there is limited demand for funds for new projects.

(ii) The department will not refinance debt from funding programs administered by the department.

(iii) All project prerequisites must have been met at the time the project was undertaken.

(iv) All standard refinance projects applying for funding in a fiscal year will be ranked by financial capability using the same criteria used for evaluating hardship, and giving the highest ranking to the applicants with the greatest financial need.

(v) For standard refinance projects, applicants for funding may use a shorter, simpler application form. This form will ask basic questions about the project and about the applicant's financial capability to pay for the project with and without the refinance.

(vi) Successful applicants for standard refinance projects must make their first repayment six months after they sign a funding agreement.

(3) **Self certification.** The department may authorize a recipient to certify compliance with selected program requirements. The recipient must request such certification authority and document that it has the capability and resources, that it is in the best interest of the state, and that the request is consistent with state and federal laws and regulations. Concurrences required in the environmental review process cannot be delegated to recipients.

(4) For all projects, the recipient must acknowledge state and federal financial assistance in all reports, technical documents, publications, brochures, and other materials produced using funding from the loan or grant. All site-specific projects must have a sign of sufficient size to be seen from nearby roadways, acknowledging state and federal financial assistance, and left in place throughout the life of the project. Department and environmental protection agency logos must be on all signs and documents and will be provided as needed.

[Statutory Authority: Chapter 90.50A RCW. 01-01-043 (Order 00-11), § 173-98-120, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. 98-24-036 (Order 98-10), § 173-98-120, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-120, filed 8/29/89, effective 9/29/89.]

Chapter 173-100 WAC

GROUND WATER MANAGEMENT AREAS AND PROGRAMS

WAC

173-100-010 Purpose.
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WAC 173-100-010 Purpose. The purpose of this chapter is to establish guidelines, criteria, and procedures for the designation of ground water management areas, subareas or zones and to set forth a process for the development of ground water management programs for such areas, subareas, or zones, in order to protect ground water quality, to assure ground water quantity, and to provide for efficient management of water resources for meeting future needs while recognizing existing water rights. The intent of this chapter is to forge a partnership between a diversity of local, state, tribal and federal interests in cooperatively protecting the state's ground water resources.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-010, filed 12/20/85.]

WAC 173-100-020 Authority. This chapter is promulgated by the department of ecology pursuant to RCW 90.44.400, 90.44.410, 90.44.420, 90.44.430 and 90.44.440.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-020, filed 12/20/85.]

WAC 173-100-030 Overview. This regulation establishes a process for the identification and designation of ground water management areas and for the development of comprehensive ground water management programs. From a general schedule of probable ground water management areas, the department of ecology in cooperation with local government will designate specific ground water management areas, subareas, or depth zones within such areas and will appoint a lead agency to develop a ground water management program and an advisory committee to oversee the development of the program for each designated area. Following completion of the program and a public hearing to be held by the department of ecology, the program must be certified to be consistent with the intent of this chapter. The program will then be implemented through state regulations and local ordinances. The programs must thereafter be periodically reviewed.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-030, filed 12/20/85.]

WAC 173-100-040 Definitions. For the purposes of this chapter the following definitions shall apply:

(1) "Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(2) "Department" means the Washington state department of ecology.

(3) "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

(4) "Ground water advisory committee" means a committee appointed by the department to assist in the development of a ground water management program.

(5) "Ground water area or subarea" means a geographic area designated pursuant to RCW 90.44.130.

(6) "Ground water management area" means a specific geographic area or subarea designated pursuant to this chapter for which a ground water management program is required.

(7) "Ground water management program" means a comprehensive program designed to protect ground water quality, to assure ground water quantity and to provide for efficient management of water resources while recognizing existing ground water rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated ground water management area or subarea and developed pursuant to this chapter.

(8) "Ground water management zone" means any depth or stratigraphic zone separately designated by the department in cooperation with local government for ground water management purposes within a ground water management area. Ground water management zones may consist of a specific geologic formation or formations or other reasonable bounds determined by the department consistent with the purposes of this chapter.

(9) "Ground water right" means an authorization to use ground water established pursuant to chapter 90.44 RCW, state common or statutory law existing prior to the enactment of chapter 90.44 RCW, or federal law.

(10) "Ground water user group" means an established association of holders of ground water rights located within a proposed or designated ground water management area.

(11) "Lead agency" means the agency appointed by the department to coordinate and undertake the activities necessary for the development of a ground water management program. Either the department or an agency of local government may be the lead agency.

(12) "Local government" means any county, city, town, or any other entity having its own incorporated government for local affairs including, but not limited to, a metropolitan municipal corporation, public utility district, water district, irrigation district, and/or sewer district.

(13) "Local government legislative authority" means the city or town council, board of county commissioners, special district commission, or that body assigned such duties by a city, county or district charter as enacting ordinances, passing resolutions, and appropriating funds for expenditure.

(14) "Probable ground water management area" means a specific geographic area identified by the department, in cooperation with other state agencies, local government and ground water user groups, as a candidate area for designation as a ground water management area pursuant to this chapter.

[Statutory Authority: RCW 90.44.400, 86-02-004 (Order DE 85-24), § 173-100-040, filed 12/20/85.]

WAC 173-100-050 Probable ground water management areas. The department in cooperation with local government and ground water user groups shall identify probable ground water management areas.

(1) Probable ground water management areas may be proposed for identification at any time by the department upon its own motion or at the request of other state agencies, local government or ground water user groups.

(2) Probable ground water management area boundaries shall be delineated so as to enclose one or more distinct bodies of public ground water as nearly as known facts permit. Probable ground water management subareas shall be delineated so as to enclose all or any part of a distinct body of public ground water. Boundaries shall be based on hydrogeologic properties such as limits to lateral extent of aquifers, major perennial rivers, and regional ground water divides or as deemed appropriate by the department to most effectively accomplish the purposes of this chapter.

(3) The criteria to guide identification of probable ground water management areas shall include, but not be limited to, the following:

(a) Geographic areas where ground water quality is threatened;

(b) Aquifers that are declining due to restricted recharge or over-utilization;

(c) Aquifers in which over-appropriation may have occurred and adjudication of water rights has not yet been completed;

(d) Aquifers reserved or being considered for water supply reservation under chapter 90.54 RCW for future beneficial uses;

(e) Aquifers identified as the primary source of supply for public water supply systems;

(f) Aquifers underlying a critical water supply service area where the coordinated water system plan established pursuant to chapter 70.116 RCW has identified a need for a ground water management program;

(g) Aquifers designated as sole source aquifers by the federal Environmental Protection Agency;

(h) Geographic areas where the ground water is susceptible to contamination or degradation resulting from land use activities;

(i) Aquifers threatened by seawater intrusion; or

(j) Aquifers from which major ground water withdrawals have been proposed or appear imminent.

(4) The state agency, local government or ground water user group requesting probable ground water management area identification shall provide sufficient information for the department to determine if the area should be so identified. The department and other affected state and local governments and user groups may cooperate in preparing the request for identification.

(a) The request for identification shall be presented in a concise, factual report form and shall consider the guidelines and criteria set forth in subsections (2) and (3) of this section as they relate to the proposed area. It shall also contain: (i) Supporting data as to the need for such identification; (ii) a general description of and rationale for the proposed ground water management area boundary; (iii) goals and objectives for the proposed ground water management area; (iv) an estimated cost of developing the ground water management

gram and potential funding sources; (v) recommendations for agencies, organizations and groups to be represented on the ground water management area advisory committee; and (vi) a recommendation for the lead agency, taking into consideration the responsibilities contained in WAC 173-100-080.

(b) The recommendation for lead agency shall first be submitted to the county or counties with jurisdiction for written concurrence. Such written concurrence shall be included with the information required in (a) of this subsection. If such concurrence cannot be obtained, the department shall attempt to mediate an agreement between the parties.

(c) The agency or ground water user group initiating the request for identification shall hold at least one public meeting for the purpose of receiving comments from the public, affected local, state and tribal agencies and ground water user groups.

(d) Upon completion, the request for identification shall be submitted to the department and other affected state and local agencies and ground water user groups for their review and comment. Comments shall be submitted to the department.

(5) If the department is proposing an area for identification, the department shall prepare a report containing the information in subsection (4)(a) of this section, hold a public meeting, and submit the report to affected state and local agencies and ground water user groups for their review and comment.

(6) Based upon review of the request for identification together with any comments received and a finding that the proposed area meets the guidelines and criteria of subsections (2) and (3) of this section, the department shall identify the proposed area as a probable ground water management area, establish the general planning boundaries and appoint a lead agency. When a probable ground water management area is included within only one county and that county indicates its desire to assume lead agency status, the department shall appoint the county as lead agency. The department shall notify affected state and local agencies, ground water user groups, tribal governments and local news media of such identification.

[Statutory Authority: Chapters 43.27A and 90.44 RCW. 88-13-037 (Order 88-11), § 173-100-050, filed 6/9/88. Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-050, filed 12/20/85.]

WAC 173-100-060 General schedule. The department shall establish a general schedule for the designation of specific ground water management areas. The general schedule shall guide the department in the designation of specific ground water management areas and in the allocation of the department's available water resources funding and staffing.

(1) The general schedule for designation of ground water management areas shall identify the relative priority of each of the probable ground water management areas. The relative priority of the probable ground water management areas shall be based upon:

(a) The availability of local or state agency resources to develop and implement a ground water management program;

(b) The significance, severity or urgency of the problems or potential problems described in the request for identifica-

tion submitted for each area, with the highest priority given to areas where the water quality is imminently threatened;

(2) The department shall revise the general schedule as needed to comply with the intent of this chapter. After each revision the general schedule shall be published in the news media and the Washington State Register. A public hearing will be held in June of each year to receive public comment on the general schedule.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-060, filed 12/20/85.]

WAC 173-100-070 Designation of ground water management areas for program planning purposes. The department shall designate ground water management areas by order of the department in accordance with the general schedule. The department shall hold a public hearing within the county or counties containing the probable ground water management area prior to such designation. The order shall be issued to the lead agency as well as the agency or ground water user group originally requesting identification of the areas, with copies sent to other affected state agencies, local governments, tribal governments and those parties recommended for ground water advisory committee membership. Copies of the order shall be published by the department in newspapers of general circulation within the area. The order shall contain a general description of the planning boundary for the ground water management area and shall state that the department, in cooperation with the lead agency and local government, intends to appoint a ground water advisory committee to oversee the development of a ground water management program for the area.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-070, filed 12/20/85.]

WAC 173-100-080 Lead agency responsibilities. The lead agency shall be responsible for coordinating and undertaking the activities necessary for development of the ground water management program. These activities shall include collecting data and conducting studies related to hydrogeology, water quality, water use, land use, and population projections; scheduling and coordinating advisory committee meetings; presenting draft materials to the committee for review; responding to comments from the committee; coordinating SEPA review; executing interlocal agreements or other contracts; and other duties as may be necessary. The lead agency shall also prepare a work plan, schedule, and budget for the development of the program that shows the responsibilities and roles of each of the advisory committee members as agreed upon by the committee. Data collection, data analysis and other elements of the program development may be delegated by the lead agency to other advisory committee members.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-080, filed 12/20/85.]

WAC 173-100-090 Ground water advisory committee. (1) The ground water advisory committee shall be responsible for overseeing the development of the ground water management program; reviewing the work plan, schedule and budget for the development of the program; assuring

that the program is technically and functionally sound; verifying that the program is consistent with this chapter and with the respective authorities of the affected agencies; and formulating and implementing a public involvement plan.

(2) The membership of each ground water advisory committee shall represent a broad spectrum of the public in order to ensure that the ground water is protected and utilized for the greatest benefit to the people of the state. The committee shall include, but not be limited to, representation from the following groups:

(a) Local government legislative authorities within the designated area;

(b) Planning agencies having jurisdiction within the designated area;

(c) Health agencies having jurisdiction within the designated area;

(d) Ground water user groups within the designated area, including domestic well owners;

(e) The department;

(f) Department of social and health services;

(g) Other local, state, and federal agencies as determined to be appropriate by the department;

(h) Tribal governments, where a ground water management program may affect tribal waters;

(i) Public and special interest groups such as agricultural, well drilling, forestry, environmental, business and/or industrial groups within the area, as determined to be appropriate by the department.

(3) The department shall appoint, by letter, members and alternates to the ground water advisory committee after seeking nominations from the groups listed above. Members and alternates shall serve until the ground water management program for the area is certified. The department may appoint replacement members or alternates upon request of the appointee or the ground water advisory committee.

(4) The lead agency shall hold the first meeting of the ground water advisory committee within sixty days of the appointment of the committee. Public notice shall be given for each meeting. The lead agency shall chair the first meeting, during which the advisory committee shall determine, by general agreement, rules for conducting business, including voting procedures, and the chairperson of the advisory committee.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-090, filed 12/20/85.]

WAC 173-100-100 Ground water management program content. The program for each ground water management area will be tailored to the specific conditions of the area. The following guidelines on program content are intended to serve as a general framework for the program, to be adapted to the particular needs of each area. Each program shall include, as appropriate, the following:

(1) An area characterization section comprised of:

(a) A delineation of the ground water area, subarea or depth zone boundaries and the rationale for those boundaries;

(b) A map showing the jurisdictional boundaries of all state, local, tribal, and federal governments within the ground water management area;

(c) Land and water use management authorities, policies, goals and responsibilities of state, local, tribal, and federal

governments that may affect the area's ground water quality and quantity;

(d) A general description of the locale, including a brief description of the topography, geology, climate, population, land use, water use and water resources;

(e) A description of the area's hydrogeology, including the delineation of aquifers, aquitards, hydrogeologic cross-sections, porosity and horizontal and vertical permeability estimates, direction and quantity of ground water flow, water-table contour and potentiometric maps by aquifer, locations of wells, perennial streams and springs, the locations of aquifer recharge and discharge areas, and the distribution and quantity of natural and man-induced aquifer recharge and discharge;

(f) Characterization of the historical and existing ground water quality;

(g) Estimates of the historical and current rates of ground water use and purposes of such use within the area;

(h) Projections of ground water supply needs and rates of withdrawal based upon alternative population and land use projections;

(i) References including sources of data, methods and accuracy of measurements, quality control used in data collection and measurement programs, and documentation for and construction details of any computer models used.

(2) A problem definition section that discusses land and water use activities potentially affecting the ground water quality or quantity of the area. These activities may include but are not limited to:

- Commercial, municipal, and industrial discharges
- Underground or surface storage of harmful materials in containers susceptible to leakage
- Accidental spills
- Waste disposal, including liquid, solid, and hazardous waste
- Storm water disposal
- Mining activities
- Application and storage of roadway deicing chemicals
- Agricultural activities
- Artificial recharge of the aquifer by injection wells, seepage ponds, land spreading, or irrigation
- Aquifer over-utilization causing seawater intrusion, other contamination, water table declines or depletion of surface waters
- Improperly constructed or abandoned wells
- Confined animal feeding activities

The discussion should define the extent of the ground water problems caused or potentially caused by each activity, including effects which may extend across ground water management area boundaries, supported by as much documentation as possible. The section should analyze historical trends in water quality in terms of their likely causes, document declining water table levels and other water use conflicts, establish the relationship between water withdrawal distribution and rates and water level changes within each aquifer or zone, and predict the likelihood of future problems and conflicts if no action is taken. The discussion should also identify land and water use management policies that affect

ground water quality and quantity in the area. Areas where insufficient data exists to define the nature and extent of existing or potential ground water problems shall be documented.

(3) A section identifying water quantity and quality goals and objectives for the area which (a) recognize existing and future uses of the aquifer, (b) are in accordance with water quality standards of the department, the department of social and health services, and the federal environmental protection agency, and (c) recognize annual variations in aquifer recharge and other significant hydrogeologic factors;

(4) An alternatives section outlining various land and water use management strategies for reaching the program's goals and objectives that address each of the ground water problems discussed in the problem definition section. If necessary, alternative data collection and analysis programs shall be defined to enable better characterization of the ground water and potential quality and quantity problems. Each of the alternative strategies shall be evaluated in terms of feasibility, effectiveness, cost, time and difficulty to implement, and degree of consistency with local comprehensive plans and water management programs such as the coordinated water system plan, the water supply reservation program, and others. The alternative management strategies shall address water conservation, conflicts with existing water rights and minimum instream flow requirements, programs to resolve such conflicts, and long-term policies and construction practices necessary to protect existing water rights and subsequent facilities installed in accordance with the ground water management area program and/or other water right procedures.

(5) A recommendations section containing those management strategies chosen from the alternatives section that are recommended for implementation. The rationale for choosing these strategies as opposed to the other alternatives identified shall be given;

(6) An implementation section comprised of:

(a) A detailed work plan for implementing each aspect of the ground water management strategies as presented in the recommendations section. For each recommended management action, the parties responsible for initiating the action and a schedule for implementation shall be identified. Where possible, the implementation plan should include specifically worded statements such as model ordinances, recommended governmental policy statements, interagency agreements, proposed legislative changes, and proposed amendments to local comprehensive plans, coordinated water system plans, basin management programs, and others as appropriate;

(b) A monitoring system for evaluating the effectiveness of the program;

(c) A process for the periodic review and revision of the ground water management program.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-100, filed 12/20/85.]

WAC 173-100-110 SEPA review. The proposed ground water management program shall be subject to review pursuant to the State Environmental Policy Act, chapter 43.21C RCW, as required under the applicable implementing regulations.

(2007 Ed.)

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-110, filed 12/20/85.]

WAC 173-100-120 Hearings and implementation. (1)

Upon completion of the ground water area management program, the department shall hold a public hearing within the designated ground water management area for the purpose of taking public testimony on the proposed program. Local governments are encouraged to hold joint hearings with the department to hear testimony on the proposed management program. Following the public hearing, the department and each affected local government shall prepare findings on the ground water management program within ninety days. This period may be extended by the department for an additional ninety days. The findings shall evaluate the program's technical soundness, economic feasibility, and consistency with the intent of this chapter and other federal, state and local laws. The findings shall identify any revisions necessary before the program can be certified and shall contain a statement of the agency's concurrence, indicating its intent to adopt implementing policies, ordinances and programs if required, or a statement of nonconcurrence with the program if such be the case.

(2) The lead agency will consolidate the findings and present them to the advisory committee. Statements of nonconcurrence shall be resolved by the committee and the program revised if necessary.

(3) The program shall then be submitted by the ground water advisory committee to the department which shall certify that the program is consistent with the intent of this chapter.

(4) Following such certification, state agencies and affected local governments shall adopt or amend regulations, ordinances, and/or programs for implementing those provisions of the ground water management program which are within their respective jurisdictional authorities.

(5) The department, the department of social and health services and affected local governments shall be guided by the adopted program when reviewing and considering approval of all studies, plans and facilities that may utilize or impact the implementation of the ground water management program.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-120, filed 12/20/85.]

WAC 173-100-130 Designation of ground water areas. The procedures provided in RCW 90.44.130 may be utilized by the department to designate ground water areas, subareas, or zones for the purposes described therein either in conjunction with the procedures of this chapter or independently thereof.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-130, filed 12/20/85.]

WAC 173-100-140 Intergovernmental agreements.

In order to fully implement this chapter, the department may negotiate and enter into cooperative agreements with Indian tribal governments, adjacent states and Canadian governmental agencies when a ground water management area is contiguous with or affects lands under their jurisdiction. Such cooperative agreements shall not affect the jurisdiction over any

civil or criminal matters that may be exercised by any party to such an agreement. Intergovernmental agreements shall further the purposes of this chapter, and shall serve to establish a framework for intergovernmental coordination, minimize duplication, and efficiently utilize program resources to protect ground water resources.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-140, filed 12/20/85.]

WAC 173-100-150 Appeals. All final written decisions of the department pertaining to designation of ground water management areas, certification of ground water management programs, permits, regulatory orders, and related decisions pursuant to this chapter shall be subject to review by the pollution control hearings board under chapter 43.21B RCW.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-150, filed 12/20/85.]

WAC 173-100-160 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.27A and 90.44 RCW. 88-13-037 (Order 88-11), § 173-100-160, filed 6/9/88.]

Chapter 173-124 WAC QUINCY GROUND WATER MANAGEMENT SUBAREA AND ZONES

WAC

173-124-010	Background.
173-124-020	Purpose.
173-124-030	Authority.
173-124-040	Subarea definition.
173-124-050	Subarea zone definition.
173-124-060	Subarea map.
173-124-070	Subarea, zone, and unit distinctions.
173-124-080	Regulation review.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-124-06001	Subarea, zone, and unit distinctions. [Statutory Authority: RCW 43.21A.080, 43.27A.090 and 90.44.130. 78-05-007 (Order DE 77-36), § 173-124-060, (codified as WAC 173-124-06001), filed 4/7/78.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW.
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WAC 173-124-010 Background. (1) On March 1, 1969, the department of water resources promulgated WAC 508-14-010 to curtail further ground water development in a defined area of the Columbia Basin, referred to as the "Quincy Basin," pending the outcome of detailed ground water investigations to determine if further appropriation of public ground waters in this area should be allowed.

(2) The extensive investigation program was to be completed no later than December 31, 1972, and thereafter procedures would be developed to insure proper allocation and management of the Quincy Basin ground water resource.

(3) Since the effective date of WAC 508-14-010, all applications to appropriate ground water in the defined Quincy Basin have been held in abeyance pending the outcome of the ground water investigations.

(4) As part of the investigation program a digital ground water model has been developed to analyze ground water conditions in most of the Columbia Basin including the Quincy Basin.

(5) Through use of this ground water model it has been possible to define with reasonable accuracy the extent of a practical ground water management unit in the Quincy Basin area.

[Order 72-24, § 173-124-010, filed 1/15/73.]

WAC 173-124-020 Purpose. The purpose of this regulation is to establish areal boundaries and depth zones for the Quincy ground water subarea as the initial step toward development of a proper ground water management program for this part of the Columbia Basin.

[Order 72-24, § 173-124-020, filed 1/15/73.]

WAC 173-124-030 Authority. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 43.21A, 90.03, and 90.44 RCW and after giving notice as provided in chapter 34.04 RCW.

[Order 72-24, § 173-124-030, filed 1/15/73.]

WAC 173-124-040 Subarea definition. "Quincy ground water subarea" shall mean those lands lying within the Columbia Basin described as follows:

Township (North)	Range (East)	Sections
17	23	1 thru 4, 11 and 12
17	24	1 thru 16
17	25	1 thru 18 and 24
17	26	1 thru 24
17	27	1 thru 24
17	28	1 thru 20
17	29	1 thru 12 and 14 thru 18
17	30	*1 thru 8, 12, and that part of 9, 10, 11, 13 and 14 lying to the right of the center line of the east low canal
17	31	*7 and that part of 5, 6, 8, 17 and 18 lying to the right of the center line of the east low canal
18	22	1, 12, and 13
18	23	1 thru 36
18	24	1 thru 36
18	25	1 thru 36
18	26	1 thru 36
18	27	1 thru 36
18	28	1 thru 36
18	29	1 thru 36
18	30	*3 thru 10, 15 thru 24, 26 thru 36 and that part of 2, 11, 13, 14 and 25 lying to the right of the center line of the east low canal
18	31	*That part of 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
19	23	1 thru 5 and 8 thru 17, 20 thru 29 and 31 thru 36
19	24	1 thru 36
19	25	1 thru 36
19	26	1 thru 36
19	27	1 thru 36
19	28	1 thru 36
19	29	*5 thru 8, 17 thru 21, 28 thru 33, and that part of 4, 9, 15, 16, 22, 23, 27, 34, 35 and 36 lying to the right of the center line of the east low canal

Township (North)	Range (East)	Sections
19	30	*That part of 28 and 31 thru 35 lying to the right of the center line of the east low canal
20	23	1 thru 5 and 8 thru 17, 20 thru 29 and 32 thru 36
20	24	1 thru 36
20	25	1 thru 36
20	26	1 thru 36
20	27	1 thru 36
20	28	1 thru 36
20	29	*19, 20, 29 thru 32, and that part of 6, 7, 16, 17, 18, 21, 28, and 33 lying to the right of the center line of the east low canal
21	23	25 thru 28 and 32 thru 36
21	24	25 thru 36
21	25	24 thru 36
21	26	1 thru 4, 9 thru 16 and 19 thru 36
21	27	1 thru 36
21	28	*5 thru 9, 13 thru 36 and that part of 3, 4, 9, 10, 11 and 12 lying to the right of the center line of the east low canal
21	29	*That part of 7, 8, 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
22	26	2, 10 thru 16, 21 thru 28 and 33 thru 36

Township (North)	Range (East)	Sections
22	27	1 thru 4 and 7 thru 36
22	28	*1 thru 11, 31 and that part of 18, 19, 29, 30, 32, and 33 lying to the right of the center line of the east low canal
23	27	34 thru 36
23	28	31 thru 36

* Right and left sides are determined by looking in the downstream direction or direction of flow.

[Order 72-24, § 173-124-040, filed 1/15/73.]

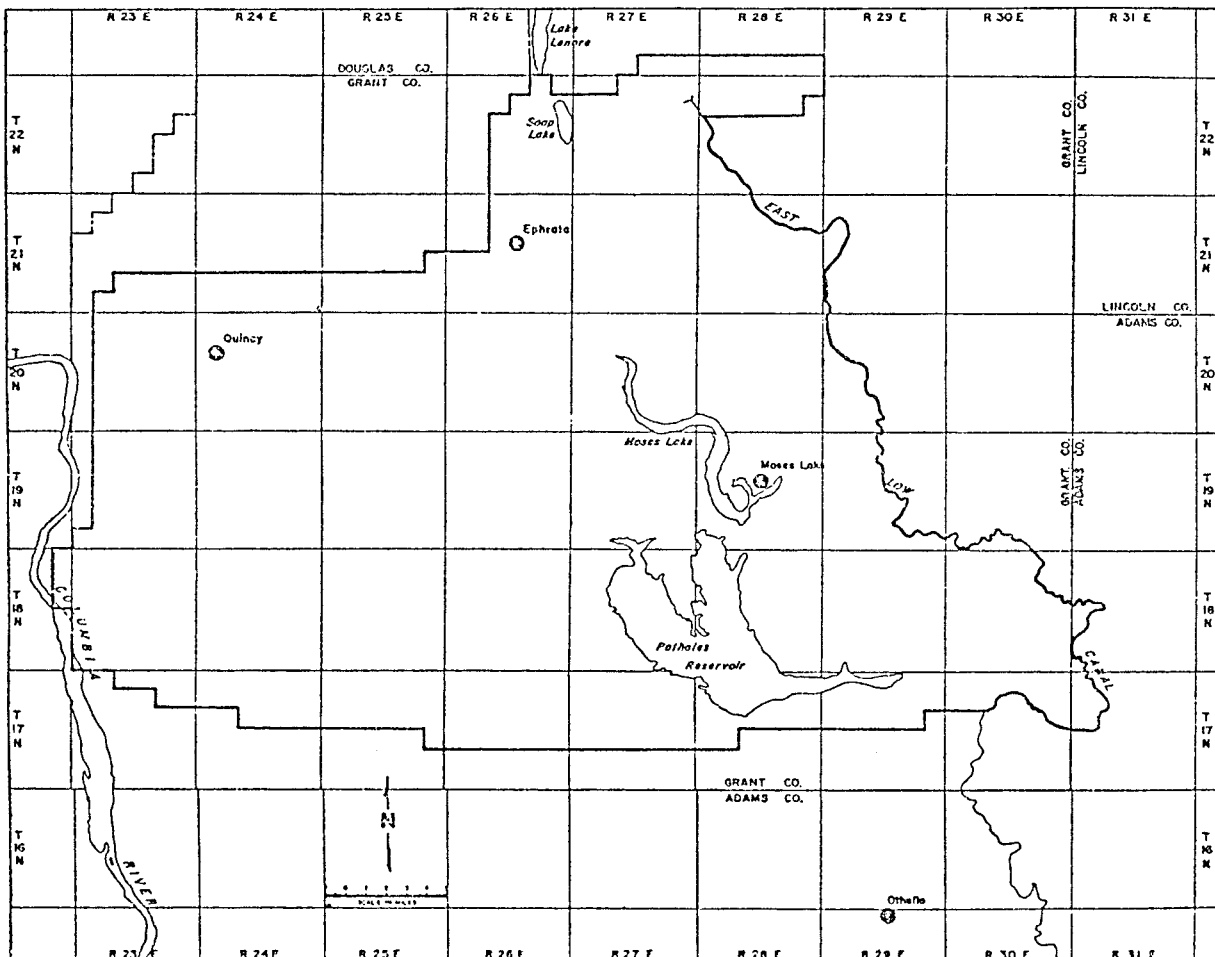
WAC 173-124-050 Subarea zone definition. (1)
"Quincy unconsolidated zone" shall mean those rock units in the Quincy ground water subarea lying between ground surface and the top of the uppermost basalt flow.

(2) "Quincy basalt zone" shall mean those rock units in the Quincy ground water subarea consisting of basalt flows of tertiary age.

[Order 72-24, § 173-124-050, filed 1/15/73.]

WAC 173-124-060 Subarea map. "Quincy ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

QUINCY GROUND WATER SUBAREA



[Order 72-24, § 173-124-060, filed 1/15/73.]

WAC 173-124-070 Subarea, zone, and unit distinctions. The Quincy unconsolidated zone and the Quincy basalt zone, defined at WAC 173-124-050, are separate and distinct depth zones, as that term is used in chapter 90.44 RCW. The Quincy unconsolidated zone and the Quincy basalt zone are different than the Quincy shallow management unit and the Quincy deep management unit, which are defined at WAC 173-134-020.

The horizontal boundaries of the Quincy depth zones and the Quincy management units are identical to the exterior boundaries of the Quincy ground water subarea, and no Quincy depth zone or management unit extends beyond those boundaries, for comprehensive water management purposes. Neither does any depth zone of the Odessa ground water subarea, as defined at chapter 173-130 WAC, extend beyond the exterior boundaries of the Odessa ground water subarea, as those are defined and indicated at chapter 173-128 WAC. The bodies of ground water contained within the exterior boundaries of the Quincy ground water subarea are considered to be separate and distinct from the bodies of ground water contained within the exterior boundaries of the Odessa ground water subarea, which is significantly different than the Quincy ground water subarea in various respects.

This regulation is adopted to clarify the differences between the Quincy ground water subarea and the Odessa ground water subarea, and the differences among depth zones and management units. This regulation merely restates what the department of ecology consistently has understood to be the meaning and effect of this chapter and related chapters, notwithstanding any other understanding by the public or any other agency or board, federal or state.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-124-070, filed 6/9/88.]

WAC 173-124-080 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-124-080, filed 6/9/88.]

Chapter 173-128A WAC ODESSA GROUND WATER MANAGEMENT SUBAREA

WAC

173-128A-010	Authority.
173-128A-020	Background.
173-128A-030	Purpose.
173-128A-040	Subarea definition.
173-128A-050	Subarea map.
173-128A-060	Regulation review.

WAC 173-128A-010 Authority. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-010, filed 6/30/82. Formerly WAC 173-128-030.]

[Title 173 WAC—p. 230]

WAC 173-128A-020 Background. (1) Since 1967, the segment of the Columbia basin ground water system centered around the community of Odessa has experienced a steady decline in ground water levels.

(2) Spurred by local concern and foreseeable management problems, the department of water resources (now department of ecology) closed an area of approximately 1,100 square miles to the drilling of large producing water wells and initiated a detailed investigation of ground water conditions in the Odessa basin.

(3) As a result of this investigation, a digital ground water model of the Odessa basin was developed and used in 1974 and 1975 to predict the effect of additional ground water withdrawals on existing water level declines.

(4) In 1975, the department expanded its ground water monitoring program and discontinued use of the predictive model.

(5) The expanded monitoring program, with additional data on the actual effects of pumping, included wells south of the subarea which showed ground water declines similar in magnitude to those inside the subarea.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-020, filed 6/30/82. Formerly WAC 173-128-010.]

WAC 173-128A-030 Purpose. The purpose of this regulation is to expand the boundaries of the Odessa ground water subarea as originally set forth in chapter 173-128 WAC.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-030, filed 6/30/82. Formerly WAC 173-128-020.]

WAC 173-128A-040 Subarea definition. "Odessa ground water subarea" shall mean those lands lying within the Columbia Basin described as follows:

Township (North)	Range (East)	Sections
13	31	1 thru 12
13	32	1 thru 12
14	31	*1 thru 6, 8 thru 17, 19 thru 36, and that part of 7 and 18 lying to the left of the center line of the East Low Canal
14	32	*1 thru 36
15	30	*1, and that part of 2, 11, 12 lying to the left of the center line of the East Low Canal
15	31	*1 thru 29, 32 thru 36, and that part of 30 and 31 lying to the left of the center line of the East Low Canal
15	32	1 thru 36
15	33	1 thru 36
16	30	*1 thru 4, 10 thru 14, 23 thru 25, 36, and that part of 5, 6, 8, 9, 15, 16, 21, 22, 26, 27, 28, 34, and 35 lying to the left of the center line of the East Low Canal
16	31	1 thru 36
6	32	1 thru 36
16	33	1 thru 36
16	34	1 thru 22
16	35	1 thru 18
16	36	6 and 7
17	30	*15, 16, 21 thru 28, 33 thru 36, and that part of 8 thru 11, 13, 14, 17, 20, 29, 31, and 32 lying to the left of the center line of the East Low Canal

(2007 Ed.)

Township (North)	Range (East)	Sections
17	31	*1 thru 4, 9 thru 16, 19 thru 36, and that part of 5, 6, 8, 17 and 18 lying to the left of the center line of the East Low Canal
17	32	1 thru 36
17	33	1 thru 36
17	34	1 thru 36
17	35	1 thru 36
17	36	5 thru 8, 17 thru 20, 30 and 31
18	30	*1, 12 and that part of 2, 11, 13, and 14 lying to the left of the center line of the East Low Canal
18	31	*1 thru 16, 20 thru 29, 32 thru 36, and that part of 17, 18, 19, 30, and 31 lying to the left of the center line of the East Low Canal
18	32	1 thru 36
18	33	1 thru 36
18	34	1 thru 36
18	35	1 thru 36
18	36	4 thru 9, 16 thru 21, and 28 thru 33
19	29	*1 thru 3, 10 thru 14, 24, 25, and that part of 3, 4, 9, 10, 15, 16, 22, 23, 26, 27, 34, 35, and 36 lying to the left of the center line of the East Low Canal
19	30	*1 thru 27, 29, 30, 36 and that part of 28 and 31 thru 35 lying to the left of the center line of the East Low Canal
19	31	1 thru 36
19	32	1 thru 36
19	33	1 thru 36
19	34	1 thru 36
19	35	1 thru 36
19	36	3 thru 10, 15 thru 22 and 27 thru 33
20	29	*1 thru 5, 8 thru 15, 22 thru 27, 34 thru 36 and that part of 6, 7, 16, 17, 18, 21, 28 and 33 lying to the left of the center line of the East Low Canal
20	30	1 thru 36
20	31	1 thru 36
20	32	1 thru 36
20	33	1 thru 36
20	34	1 thru 36
20	35	1 thru 36
20	36	4 thru 9, 16 thru 21, and 28 thru 33
21	28	*1, 2, and that part of 3, 4, 10, 11 and 12 lying to the left of the center line of the East Low Canal
21	29	*1 thru 6, 9 thru 16, 20 thru 29, 32 thru 36 and that part of 7, 8, 17, 18, 19, 30 and 31 lying to the left of the center line of the East Low Canal
21	30	1 thru 36
21	31	1 thru 36
21	32	1 thru 36
21	33	1 thru 36
21	34	1 thru 36
21	35	1 thru 36
21	36	5 thru 8, 16 thru 21, and 28 thru 33
22	28	*12 thru 17, 20 thru 28, 34 thru 36 and that part of 18, 19, 29, 30, 32 and 33 lying to the left of the center line of the East Low Canal
22	29	1 thru 36
22	30	1 thru 36
22	31	1 thru 36
22	32	1 thru 36
22	33	1 thru 36
22	34	1 thru 36
22	35	1 thru 36
22	36	30 and 31
23	29	13, 20 thru 29, and 32 thru 36
23	30	12 thru 36
23	31	7 thru 36
23	32	7 thru 36
23	33	7 thru 36
23	34	7 thru 9 and 13 thru 36

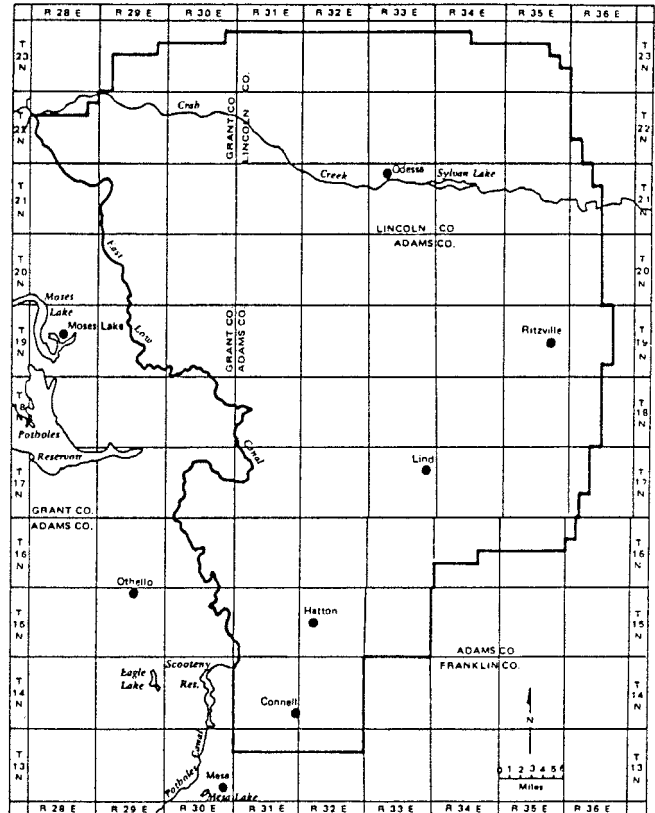
Township (North)	Range (East)	Sections
23	35	15 thru 23 and 25 thru 36

* Right and left sides are determined by looking in the downstream or flow direction.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-040, filed 6/30/82. Formerly WAC 173-128-040.]

WAC 173-128A-050 Subarea map. "Odessa ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

ODESSA GROUND—WATER SUBAREA



[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-050, filed 6/30/82. Formerly WAC 173-128-050.]

WAC 173-128A-060 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-128A-060, filed 6/9/88.]

Chapter 173-130A WAC ODESSA GROUND WATER SUBAREA MANAGEMENT POLICY

WAC	
173-130A-010	Authority.
173-130A-020	Background.
173-130A-030	Definitions.
173-130A-040	Purpose.

173-130A-050	Exemptions.
173-130A-060	Rate of decline in water level to be controlled.
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173-130A-130	Irrigation season.
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173-130A-170	Casing and sealing.
173-130A-180	Reworking wells.
173-130A-190	Bore hole information.
173-130A-200	Acreage expansion program.
173-130A-210	General implementation.
173-130A-215	Enforcement.
173-130A-217	Appeals.
173-130A-220	Regulation review.

WAC 173-130A-010 Authority. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A. 90.03 and 90.44 RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-010, filed 8/4/82. Formerly WAC 173-130-020.]

WAC 173-130A-020 Background. The Odessa ground water subarea was established and the boundaries set forth in chapter 173-128A WAC.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-020, filed 8/4/82. Formerly WAC 173-130-010.]

WAC 173-130A-030 Definitions. For the purposes of this chapter, the following definitions shall be used:

(1) "Water table" shall mean the surface formed by mapping the altitude at which water stands in wells.

(2) "Priority" shall mean the date of receipt by the department of ecology or its predecessor of an acceptable application to appropriate public ground water.

(3) "Department" shall mean the department of ecology.

(4) "Bore hole information" shall include data required to determine the extent and nature of subsurface geologic and hydrologic properties. Examples of bore hole information includes data contained on a completed department water well report form, all or a portion of a suite of geophysical logs such as resistivity, flow, caliper, and television video scanning.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-030, filed 8/4/82. Formerly WAC 173-130-030.]

WAC 173-130A-040 Purpose. The purpose of this regulation is to provide a procedure for managing ground water within the Odessa ground water subarea to insure the maintenance of a safe sustaining yield from the ground water body within a reasonable and feasible pumping lift.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-040, filed 8/4/82. Formerly WAC 173-130-040.]

WAC 173-130A-050 Exemptions. The following shall not be subject to this management regulation:

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(1) Wells from which the withdrawal is less than 5,000 gallons per day;

(2) Wells drilled under prior authorization which were defined as "Zone C" wells in WAC 173-130-030(3), now repealed.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-050, filed 8/4/82.]

WAC 173-130A-060 Rate of decline in water level to be controlled. The rate of decline in the water level will be limited to a total amount of thirty feet in three consecutive years. In the case of a new well, the base time shall commence in the spring following the first season of irrigation use.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-060, filed 8/4/82. Formerly WAC 173-130-060.]

WAC 173-130A-070 Maximum lowering of the water table. These regulations will be used to prevent the spring static water table, as measured prior to commencement of pumping for irrigation, from lowering more than three hundred feet below the altitude of the static water level as it existed in the spring of 1967.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-070, filed 8/4/82. Formerly WAC 173-130-070.]

WAC 173-130A-080 Regulation of withdrawal of ground water. (1) Upon complaint from a water right holder that the water level in the associated well or wells is being drawn down at a rate in excess of thirty feet in three years as set forth in WAC 173-130A-060 as a primary result of pumping by subsequent appropriators, the department shall evaluate the complaint and take appropriate regulatory action, to the extent practicable, to protect the rights of the prior appropriator.

(2) Whenever the department has reason to believe that the provision of WAC 173-130A-070 is going to be violated, regulatory action to limit withdrawals in the affected area will be initiated according to the procedure outlined in WAC 173-130A-090. Such regulation shall conform to the priority of the pertinent, valid rights and shall prevail on an annual basis until the condition no longer exists, unless the aggregate withdrawal is decreased by mutual agreement of the affected water right holders pursuant to RCW 90.44.180.

(3) The department shall take regulatory action, to the extent necessary, to assure compliance with water right conditions.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-080, filed 8/4/82. Formerly WAC 173-130-080.]

WAC 173-130A-090 Notice of regulation. (1) Notice of regulation shall be provided to each water right holder within the area identified pursuant to WAC 173-130A-080(2) by certified mail on or before May 1 of each year when regulation of withdrawals is contemplated for the next calendar year. Said notice shall also provide for a public meeting

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within thirty days to be held in the affected area to discuss proposed regulatory action.

(2) Within sixty days following this public meeting, departmental orders will be sent to those water right holders to be regulated.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-090, filed 8/4/82. Formerly WAC 173-130-090.]

WAC 173-130A-100 Applications for withdrawal of ground water. All applications for permits to appropriate ground water from within the Odessa ground water subarea shall be analyzed in order of priority to determine the calculated effect that the requested rate and volume of withdrawal will have on existing ground water declines. No permit will be issued for withdrawals which calculations show will cause the conditions of WAC 173-130A-060 or 173-130A-070 to be exceeded at any location within the subarea.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-100, filed 8/4/82. Formerly WAC 173-130-140.]

WAC 173-130A-110 Distance of wells from East Low Canal. No well may be drilled closer than one-quarter mile to the centerline of the East Low Canal.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-110, filed 8/4/82. Formerly WAC 173-130-170.]

WAC 173-130A-120 Ground water mound—Columbia Basin project interests. Irrigation of Columbia Basin project lands lying westerly of the East Low Canal and canal leakage have caused development of a ground water mound lying generally under the canal. The retention of existing water levels under the canal is necessary to maintain the present water table gradient toward the Potholes Reservoir to allow the recapture and utilization of artificially stored ground water (see order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975). All applications for permit within the following described area will be evaluated on a case-by-case basis consistent with this chapter. Additionally, the potential effects of the proposed appropriation on existing rights including protection of the ground water mound will be determined. All new permits will be conditioned to assure retention of the existing water levels under the East Low Canal.

Twp N	Rge E	Section
17	30	15, 16, 23, 24 and all those portions of 9 through 11, 13 and 14 lying southerly of the East Low Canal.
	31	3, 4, 9 through 11, 14 through 16, 19 through 23, and those portions of 5, 6, 8, and 17 lying easterly of the East Low Canal.
18	30	1, 12, and all those portions of 2, 11, 13 and 14 lying easterly of East Low Canal.

Twp N	Rge E	Section
	31	4 through 10, 15, 16, 21, 22, 27 through 29, 32 through 34, and all those portions of 17 through 20, 30 and 31 lying northerly and easterly of the East Low Canal.
19	29	1 through 3, 10 through 14, 24 through 26, and all those portions of 4, 9, 15, 16, 22, 23, 27, and 34 through 36 lying easterly and northerly of the East Low Canal.
	30	19 through 23, 25 through 27, 29, 30, 36, and all those portions of 28, 31 through 35 lying northerly and easterly of the East Low Canal.
	31	30 and 31
20	29	27, 35, and all those portions of 21, 28, 33 and 34 lying easterly of the East Low Canal.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-120, filed 8/4/82.]

WAC 173-130A-130 Irrigation season. The irrigation season for withdrawal of ground water in the Odessa ground water subarea shall be from February 1 to November 30, each year. However, the department recognizes that conditions will vary from year to year, making application of water to the land necessary during December and/or January in some years. Permission to withdraw ground water during December and January may be granted by the department upon showing of a need by individual permit or certificate holders and if not inconsistent with the regulatory program of this chapter.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-130, filed 8/4/82. Formerly WAC 173-130-195.]

WAC 173-130A-140 Airlines. An airline and pressure gauge shall be installed and maintained in operating condition on all new or reworked wells and equipped with a standard tire valve, placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls. The total length of the airline and any changes in length shall be reported to the department.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-140, filed 8/4/82.]

WAC 173-130A-150 Water duty. The duty of water issued in permits for agricultural irrigation shall be not more than 2.5 acre feet per acre per calendar year.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-150, filed 8/4/82.]

WAC 173-130A-160 Development schedule. All new permits issued will require beginning of construction of the authorized well(s) within two years after permit issuance. Beginning of construction means that the well drilling has been started and is being actively pursued toward completion.

No extensions of time will be granted to this schedule. Violation of this requirement will result in cancellation of the related permits.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-160, filed 8/4/82.]

WAC 173-130A-170 Casing and sealing. In order to protect existing shallow domestic and stock water wells, and springs, casing and sealing requirements will be determined on a case-by-case basis and included as a provision on all new permits issued. New permits will also be conditioned to prohibit cascading water in wells in accordance with chapter 173-160 WAC (Minimum standards for construction and maintenance of water wells). Sealing of required casing shall consist of filling the annular space between casing and well bore with cement grout placed by pumping from the bottom of the casing to land surface. Alternative methods to provide the same protection afforded by casing and sealing may be submitted to the department for review and shall only be used if approved in writing by the department prior to well completion.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-170, filed 8/4/82.]

WAC 173-130A-180 Reworking wells. Any well which is reworked shall be constructed to comply with the casing and sealing provisions of WAC 173-130A-170. Reworking shall include, but not be limited to, reaming to enlarge well diameter or deepening.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-180, filed 8/4/82. Formerly WAC 173-130-155.]

WAC 173-130A-190 Bore hole information. It shall be the responsibility of the owner of all new or reworked wells drilled in the Odessa ground water subarea to provide the department of ecology with such logs as the department may reasonably require.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-190, filed 8/4/82. Formerly WAC 173-130-160.]

WAC 173-130A-200 Acreage expansion program. (1) Water right certificate holders who wish to expand their authorized irrigated acreage while not increasing actual historic withdrawal rates in gallons per minute or acre feet per year, within the maximum limits of their water right, may submit a request in writing to the department at least four months prior to initiation of irrigation. Such request shall include documentation substantiating actual quantities applied to a beneficial use within authorized acreage for a minimum of the three previous consecutive irrigation seasons. This documentation shall consist of accurate flow meter readings, electrical consumption which has been converted to actual acre footage withdrawn, or any other data acceptable to the department.

(2) The acreage expansion, if authorized, will allow the certificate holder to apply the average of the quantity of water

beneficially used during the past three consecutive years to more land.

(3) Where the acreage expansion program is continuous from year to year, the initial documentation of beneficial use of water shall apply to each subsequent year.

(4) New wells will not be permitted to be drilled as part of this program. Every well authorized for use under this program must be equipped with an accurately operating flow meter before acreage expansion can be implemented.

(5) By December 31 of each year, the water user shall submit in writing to the department a statement of the total water used, in acre feet, under the acreage expansion program for the completed irrigation season.

(6) The acreage expansion program will be administered as a temporary change through an annual letter of authorization. No permanent amendment or change in any water right certificate shall be issued as part of this program.

The penalty for noncompliance with the provisions of this section shall include, but not be limited to, termination from the acreage expansion program for one calendar year.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-200, filed 8/4/82.]

WAC 173-130A-210 General implementation. The department recognizes the uncertainties associated with ground water occurrence and water well construction, both being dependent in large part on the geologic and hydrologic characteristics of the aquifer materials underlying a specific proposed well site. Therefore, the department shall endeavor to implement this chapter in a reasonable and practical manner consistent with its purpose.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-210, filed 8/4/82.]

WAC 173-130A-215 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-130A-215, filed 6/9/88.]

WAC 173-130A-217 Appeals. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-130A-217, filed 6/9/88.]

WAC 173-130A-220 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-130A-220, filed 6/9/88. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).

82-16-103 (Order DE 82-27), § 173-130A-220, filed 8/4/82. Formerly WAC 173-130-200.]

Chapter 173-132 WAC
DUCK LAKE GROUND WATER MANAGEMENT
SUBAREA

WAC

173-132-010	Background.
173-132-020	Purpose.
173-132-030	Authority.
173-132-040	Subarea definition.
173-132-050	Subarea map.
173-132-060	Regulation review.

WAC 173-132-010 Background. (1) Through well data collected since 1958 and refraction seismic surveys conducted in 1970 and 1971, the department of ecology has identified a semiclosed ground water basin in the area of Duck Lake in Okanogan County, Washington.

(2) The principal aquifer in this area consists of glacial and fluvial sands and gravels that lie unconformably over metamorphic and igneous bedrock.

(3) Natural recharge to the aquifer occurs primarily through ground water migration from Johnson Creek Valley which lies northwest of the Duck Lake basin.

(4) The aquifer is also artificially recharged through waters diverted to Duck Lake from Salmon and Johnson creeks by the Okanogan irrigation district and from waters incidental to irrigation of project lands.

(5) Since the basin retains substantial quantities of artificially stored ground water, in accordance with chapter 90.44 RCW it has been recommended that the Duck Lake aquifer be designated as a ground water subarea.

[Order DE 74-24, § 173-132-010, filed 10/18/74.]

WAC 173-132-020 Purpose. The purpose of this regulation is to establish areal boundaries for the Duck Lake ground water subarea as the initial step toward development of an appropriate ground water management program for this area.

[Order DE 74-24, § 173-132-020, filed 10/18/74.]

WAC 173-132-030 Authority. This regulation is promulgated by the department of ecology under authorities and procedures provided in chapters 43.21A, 90.03 and 90.44 RCW and after giving notice as provided in chapter 34.04 RCW.

[Order DE 74-24, § 173-132-030, filed 10/18/74.]

WAC 173-132-040 Subarea definition. "Duck Lake ground water subarea" shall mean those lands lying within Okanogan County described as follows:

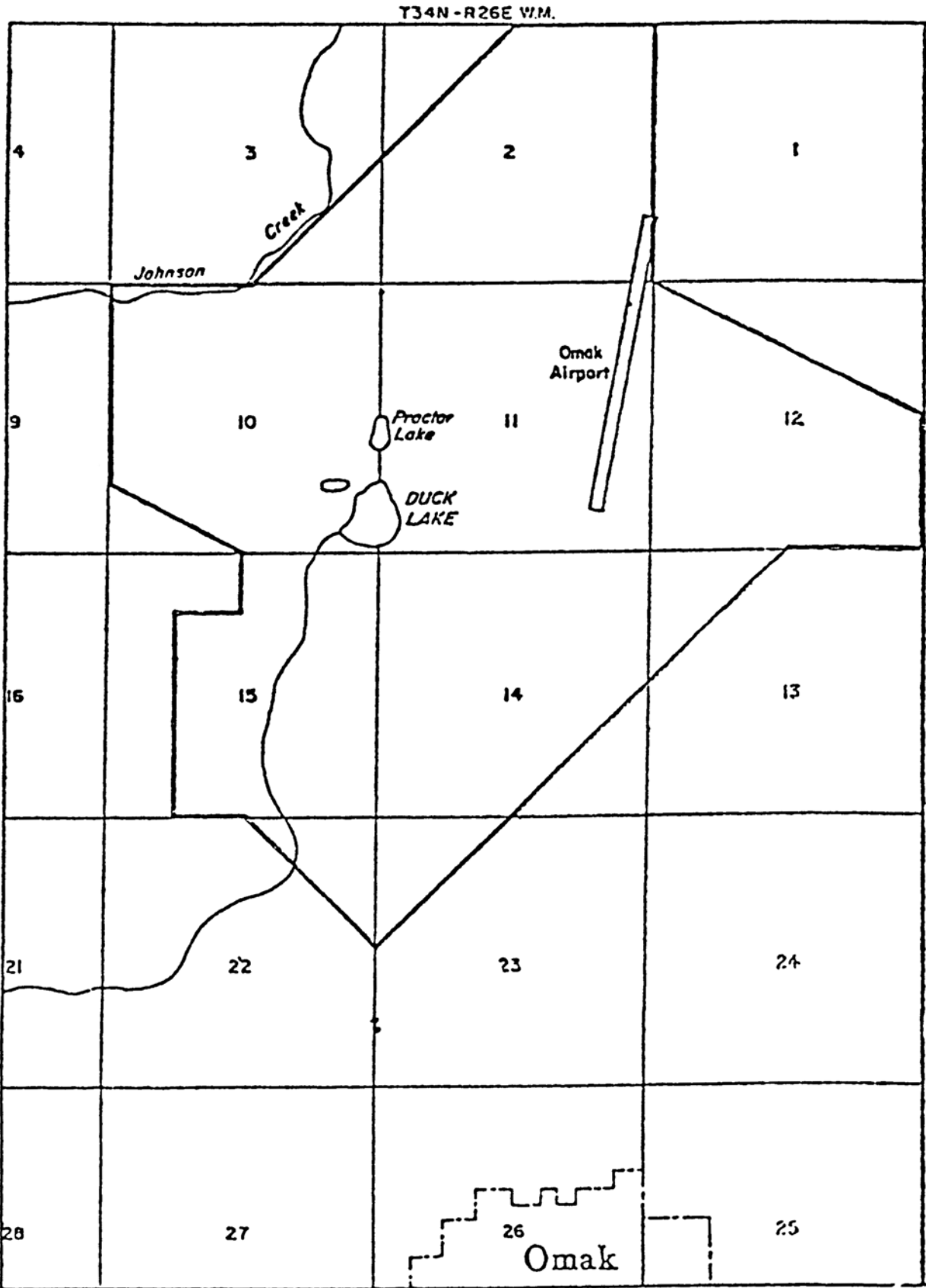
Beginning at the west quarter corner of Sec. 23; thence northeast through the north quarter corner of Sec. 23 and the east quarter corner of Sec. 14 to the north quarter corner of Sec. 13; thence east to the northeast corner of Sec. 13; thence north to the east quarter corner of Sec. 12; thence northwest to the southeast corner of Sec. 2; thence northwest to the center of the northwest quarter of Sec. 2; thence

southwest through the west quarter corner of Sec. 2 to the south quarter corner of Sec. 3; thence west to the southwest corner of Sec. 3; thence south along the west line of Sec. 10 to the "bedrock" exposure which lies approximately 1,300 feet north from the southwest corner of Sec. 10; thence southeasterly along the "bedrock" to the south quarter corner of Sec. 10; thence south 1,320 feet; thence west 1,320 feet to the center of the northwest quarter of Sec. 15; thence south 3,960 feet to the south line of Sec. 15; thence east to the south quarter corner of Sec. 15; thence southeast to the point of beginning; ALL in T. 34 N., R. 26 E.W.M., Okanogan County.

[Order DE 77-3, § 173-132-040, filed 4/21/77; Order DE 74-24, § 173-132-040, filed 10/18/74.]

WAC 173-132-050 Subarea map. "Duck Lake ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

DUCK LAKE GROUND WATER SUBAREA



[Order DE 74-24, § 173-132-050, filed 10/18/74.]

WAC 173-132-060 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-132-060, filed 6/9/88.]

Chapter 173-134A WAC **QUINCY GROUND WATER SUBAREA** **MANAGEMENT POLICY**

WAC

173-134A-010	Authority.
173-134A-020	Background.
173-134A-030	Purpose.
173-134A-040	Definitions.
173-134A-050	Management and regulation.
173-134A-060	Withdrawal of waters of deep management unit.
173-134A-070	Public ground water permit amendments.
173-134A-080	Regulation of waters of the shallow management unit— Permit requirements.
173-134A-085	Applicability.
173-134A-090	Responsibility for water management—Designation of critical management areas.
173-134A-100	Establishment of a technical committee.
173-134A-110	Request for protection of interest.
173-134A-120	Exemptions.
173-134A-130	Agreements.
173-134A-140	Existing laws and rights.
173-134A-150	Regulation review.
173-134A-160	Relinquishments—Public ground water.
173-134A-165	Enforcement.
173-134A-170	Appeals.

WAC 173-134A-010 Authority. This chapter is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-010, filed 6/1/83. Formerly chapter 173-134 WAC.]

WAC 173-134A-020 Background. The Quincy ground water subarea was duly established and the boundaries were set forth in chapter 173-124 WAC on January 15, 1973. Management rules for the Quincy subarea were then adopted on January 9, 1975, as chapter 173-134 WAC and amended on July 26, 1979.

The department has managed the ground waters within the Quincy subarea since that time in accordance with those rules.

The following information is provided as a background to assist in understanding this chapter.

By the end of the 1973 irrigation season (in October), there were approximately 3,493,142 acre-feet of imported waters stored underground in the Quincy ground water subarea. These imported waters are derived from the activities of the bureau and the Columbia Basin project. Most of the imported water is located in the shallow management unit where it comesles with naturally occurring public ground waters.

The general pattern of flow of ground water in the shallow management unit is toward Potholes Reservoir, a facility of the Columbia Basin project.

By order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975, declarations of

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artificially stored waters of the United States Bureau of Reclamation were accepted for the Quincy subarea and zones. There are no other accepted declarations relating to the Quincy subarea and zones.

Based on the best information available to the department in 1983, all waters naturally supplied to the Quincy Basin ground water system have been allocated to permits or certificates under state law. Of the aggregate thus allocated, it appears that because of nonuse, small additional amounts of such water can be appropriated without overdraft.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-020, filed 6/1/83. Formerly WAC 173-134-030.]

WAC 173-134A-030 Purpose. The purpose of this chapter is to set forth rules of the department of ecology for the administration of all ground waters within the Quincy ground water subarea, including among others, commingled public ground waters and artificially stored ground waters. This chapter replaces chapter 173-134 WAC. The rules established herein set forth the regulatory and management program for these waters and all such waters shall be authorized for withdrawal and otherwise regulated in accordance with the provisions hereof. This state program is designated to protect both the public interest and private rights and interests in such waters and shall be implemented in a spirit of cooperation with affected persons and entities, public and private, including the holder of a declaration accepted by the department pursuant to RCW 90.44.130.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-030, filed 6/1/83. Formerly WAC 173-134-010.]

WAC 173-134A-040 Definitions. For purposes of this chapter, the following definitions shall apply:

(1) "Artificially stored ground waters" means waters beneath the land surface within an area, subarea, or zone which are the subject of the declaration by the bureau and accepted by the department of ecology.

(2) "Bureau" means the United States Department of the Interior, Bureau of Reclamation.

(3) "Critical management area" means a specified locality within the Quincy subarea where depletion of ground waters, including interference with surface waters, necessitates the implementation of special ground water restrictions to ensure protection to rights and interests in said waters as set forth in this chapter.

(4) "Deep management unit" means all ground waters underlying the shallow management unit.

(5) "Department" means the department of ecology.

(6) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake, or reservoir, or other body of surface water within the boundaries of the Quincy ground water subarea.

(7) "Public ground waters" means all ground waters in the Quincy ground water subarea other than artificially stored ground water.

(8) "Quincy ground water subarea," and "Quincy subarea" mean the subarea established pursuant to RCW 90.44.130 and set forth in chapter 173-124 WAC.

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(9) "Shallow management unit" means the ground water hydraulically continuous between land surface and a depth of 200 feet into the Quincy basalt zone and includes all of the Quincy unconsolidated zone.

It is noted that the definitions of (1) and (7) hereof are not intended to be identical with the definitions in RCW 90.44.035.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-040, filed 6/1/83. Formerly WAC 173-134-020.]

WAC 173-134A-050 Management and regulation.

All public and artificially stored ground water of the Quincy subarea shall be managed and regulated by the department of ecology in accordance with this chapter.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-050, filed 6/1/83. Formerly WAC 173-134-040.]

WAC 173-134A-060 Withdrawal of waters of deep management unit. All withdrawals of waters of the deep management unit will be controlled by the prior appropriation provisions of RCW 90.44.050 and 90.44.060 and related code sections. The total authorized withdrawals under state permits or certificates from the deep management unit shall not exceed 97,901 acre-feet per year, unless the department should determine otherwise through further studies.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-060, filed 6/1/83. Formerly WAC 173-134-050.]

WAC 173-134A-070 Public ground water permit amendments. The department may approve amendments to public ground water permits for lands located within the Quincy subarea, including changes in points of withdrawal, purpose, and places of use, only if it believes, after investigation, that the activities proposed in the amendment or amendments will not:

- (1) Impair existing rights;
- (2) Prove detrimental to the public interest;
- (3) Cause the tapping of a different body of ground water (as defined herein or as determined by the department);
- (4) Adversely affect the comprehensive scheme of water management adopted for the Quincy subarea.

In addition, with regard to holders of permits or certificates for the use of public ground waters in the Quincy subarea, said permits and certificates shall represent "a valid right to withdraw public ground waters," as that term is used in RCW 90.44.100, only to the extent of beneficial use actually made under the permit or certificate.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-070, filed 6/1/83. Formerly WAC 173-134-055.]

WAC 173-134A-080 Regulation of waters of the shallow management unit—Permit requirements. Waters of the shallow management unit shall be subject to the following:

- (1) Applications for withdrawal of public ground waters shall be processed in accordance with the provisions of chapters 90.44 and 90.03 RCW.

[Title 173 WAC—p. 238]

The total quantity of withdrawals of public waters, whether authorized by permits and certificates issued under RCW 90.44.050, 90.44.060 or otherwise, shall not exceed 58,000 acre-feet per year. It appears there may be relatively small amounts of public waters (in the range of not more than 4,000 acre-feet annually) available for appropriation in the shallow management unit. Such small amounts are reserved for withdrawal for domestic and group domestic uses.

(2) No withdrawal of, or construction of any works for the withdrawal of artificially stored ground waters shall be commenced by any person without obtaining permission of the department of ecology. Permission shall be obtained through the issuance of a permit as provided in chapter 173-136 WAC. Application for a permit shall be on a form furnished by the department. In relation to ruling upon any such application, the following shall apply:

(a) Each permit shall be conditioned to ensure that no withdrawal will interfere with the furnishing of adequate supplies of water to the Potholes Reservoir facility of the bureau to satisfy existing and future project needs of the bureau.

(b) Each permit shall be conditioned to ensure that no interference with rights established under state law, previously or in the future, to withdraw public waters or artificially stored ground waters shall be allowed. Rights described herein shall include rights to the (1) maintenance of certain ground water levels to ensure availability and (2) protection of the use ability of certain withdrawal facilities.

(c) To the maximum extent possible, consistent with rights and interest in the ground waters of the Quincy subarea; wildlife, recreation, and other values associated with the general public interest in the ground water in the subarea shall be protected and permits issued hereunder shall be so conditioned.

(d) Permits shall be conditioned such that the well depth shall be no greater than 200 feet into the basalt (the shallow management unit). However, when the total production from the authorized well(s), completed within the shallow management unit does not produce the quantity of water authorized under the permit in gallons per minute, the permittee may apply to the department of ecology for an exemption to the well depth limitation imposed by these regulations. Such an exemption will be granted if reasonable efforts have been made to develop water in the shallow management unit and the proposed deepening will not adversely affect existing rights in the deep management unit. The depth of the well(s) in any event shall not penetrate the top of the Grand Ronde Basalt unit. When an exemption is granted, the department will advise the permittee of the depth to the top of the Grand Ronde Basalt unit at the specific well site(s). The authorized wells must be of adequate diameter and casing wall thickness to accommodate a pump of sufficient capacity to produce the permitted quantity in gallons per minute. Notwithstanding the definitions in WAC 173-134A-040, withdrawals of water subject to exemptions shall be considered as artificially stored ground water.

(e) Each permit shall be conditioned to provide that failure of the permittee to comply with the terms of an executed agreement as described in WAC 173-134A-130 shall constitute grounds for the department to terminate a permit issued under this subsection.

(2007 Ed.)

(f) Applications for permits shall be processed in order of their priority, based on the date of receipt of an application by the department of ecology.

(g) Permits granted herein shall pertain to a specific point(s) of withdrawal, and purpose, and place of use. No assignment of such permits can be made without written approval of the department.

The department may approve amendments to permits granted herein regarding changes in point of withdrawal, purpose, and place of use, if it believes, after investigation, that the amendment will comply with WAC 173-134A-070 (1) through (4). Application for amendments provided herein shall be made on forms provided by the department.

Permits for the use of artificially stored ground waters may be amended as to places of use and purpose only to the extent that waters actually have been placed to beneficial use pursuant to the terms of said permits.

(h) No permit shall authorize the withdrawal of waters for agricultural irrigation use for more acres than authorized by federal reclamation law.

(i) Permits issued hereunder shall have no expressed termination date provided, however, the permit shall be modifiable and terminable by the department at any time for good cause in order to accomplish the water management and regulation program of this chapter. Modifications and terminations as provided herein shall be effectuated through the issuance of regulatory orders as described in WAC 173-134A-090.

All permits provided for in chapter 173-136 WAC shall contain development schedules requiring that water be put to beneficial use within a three-year period from the date of issuance. Any permit under which development has not been completed may be perfected to the extent of beneficial use, and cancellation proceedings will be initiated on the remaining undeveloped portion.

(j) By applying for and obtaining a permit hereunder, an applicant expressly waives all other claims of rights to withdraw ground waters of the Quincy subarea for irrigation uses, except as such rights are (1) embodied in a permit or certificate pertaining to public ground waters issued previously by the department of ecology or one of its predecessors or (2) based upon rights established prior to the enactment of chapter 90.44 RCW and are the subject of a claim filed with the department of ecology pursuant to RCW 90.14.041.

(k) There shall be no fee for filing an application for a permit authorized for withdrawal of artificially stored ground waters under this subsection. Said application shall include the names and signatures of all legal owners of the lands proposed for irrigation.

(l) Withdrawals of artificially stored waters authorized by permit under this section shall be limited to a maximum cumulative total of no more than 177,000 acre-feet for each calendar year.

Withdrawals from wells presently drilled into both the shallow and deep management units, covered by an application filed with the department or a license to withdraw water issued by the bureau between May 12, 1967, and February 14, 1974, and which are also subject of a permit issued under this subsection (2), shall be considered as withdrawals from the shallow management unit.

(m) The duty of water for agricultural irrigation uses shall be not more than 3.5 acre-feet for each acre for each calendar year.

(n) No applications for permits submitted pursuant to WAC 173-134A-080(2) shall be approved for withdrawals of artificially stored ground waters from wells located on lands adjacent to bureau waterways and on lands underlain by ground water that hydraulically responds to changes in the water level of the Potholes Reservoir, which specifically are those lands described in amended department of ecology Order No. 75-54, second amendment, entered on February 3, 1986.

[Statutory Authority: RCW 43.21A.060, 86-04-057 (Order DE 86-01), § 173-134A-080, filed 2/4/86. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW, 83-12-060 (Order DE 83-10), § 173-134A-080, filed 6/1/83. Formerly WAC 173-134-060.]

WAC 173-134A-085 Applicability. The total withdrawal limitations of WAC 173-134A-060 and 173-134A-080 shall apply only to that geographical area within the Quincy ground water subarea that was described in the declaration of ownership of artificially stored waters by the United States Bureau of Reclamation accepted by order of the department under Docket Number 74-772 dated January 8, 1975.

[Statutory Authority: RCW 43.21A.060, 86-04-057 (Order DE 86-01), § 173-134A-085, filed 2/4/86.]

WAC 173-134A-090 Responsibility for water management—Designation of critical management areas. (1) The department of ecology shall be responsible for the water management and regulation program applicable to the comingled waters provided in this chapter, including the authorization of withdrawals of artificially stored ground waters and regulation of the same. The department shall, in order to ensure compliance with the water regulation and administration programs of this chapter, issue regulatory orders. Such orders shall be issued pursuant to RCW 43.27A.190 through 43.27A.210 and shall be subject to review as provided in chapter 43.21B RCW, before the pollution control hearings board.

(2) In times of shortage of water available to satisfy all ground water withdrawals authorized under WAC 173-134A-080(2), the department shall reduce withdrawals, through issuance of regulatory orders, in order of the priority date of the permit, with the latest priority being regulated first. In relation thereto, the department may designate critical management areas within the Quincy subarea based upon any of the following:

(a) Where there is an inadequate supply of water to the Potholes Reservoir and the Potholes canal system;

(b) When there is a shortage of water to satisfy ground water withdrawals authorized under WAC 173-134A-080(2);

(c) Where existing wildlife, recreational, and other values associated with the general public interest are or will be detrimentally affected on a significant scale, or

(d) Where necessary to protect rights to withdraw public waters. Designation of critical management areas shall be made through issuance of regulatory orders which shall define the areas and specify if the regulatory period is per-

manent or not. During this management period, the department shall determine the allowable limits of withdrawal of artificially stored ground water within the critical management area.

(3) As part of its enforcement program, the department shall terminate permits, through the issuance of regulatory orders, when permittees fail to comply with the terms of an executed agreement as provided in WAC 173-134A-130.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-090, filed 6/1/83. Formerly WAC 173-134-070.]

WAC 173-134A-100 Establishment of a technical committee. (1) For the purpose of advising the department in the implementation of this chapter, there is established a technical committee consisting of one permanent member and one alternate member each from the bureau and the department assisted by other technical advisors (e.g. irrigation districts, municipalities) as the permanent members consider necessary.

(2) The role of the committee shall relate generally to providing advice pertaining to ground and surface water conditions and management in the Quincy subarea.

(3) The committee shall meet as necessary when called by a permanent member of the committee. Telephone conference calls may constitute a committee meeting.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-100, filed 6/1/83. Formerly WAC 173-134-080.]

WAC 173-134A-110 Request for protection of interest. Whenever the bureau believes its interest in the ground waters of the Quincy subarea are not being adequately protected, it may request the department to issue regulatory orders or take other appropriate management and regulatory actions designed to protect such interest. If the department concludes the requested action is not warranted in the administration of this chapter, the department shall issue an order denying the request.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-110, filed 6/1/83. Formerly WAC 173-134-085.]

WAC 173-134A-120 Exemptions. (1) The permit program of WAC 173-134A-080(2) shall not relate to (a) agricultural drains or (b) withdrawals of artificially stored ground waters performed for the purpose of removing excess waters injurious to private or project lands, to bureau canals or wasteways or other similar facilities; provided that no activities pertaining to (b) above will be conducted without first notifying the department and requesting its comment within a reasonable time.

(2) The permit program of WAC 173-134A-080(2) shall not relate to withdrawals by public entities of artificially stored ground waters performed as a necessary incident of the operation of an essential public service activity, such as a solid waste disposal facility or the fighting of fires. The public entity shall not construct facilities for making such withdrawals or engage in such withdrawals without first notifying the department and requesting comments from the department regarding the intended action. This subsection shall not

relate to other than essential public services and shall not pertain to the supplying of water for general municipal uses pertaining to satisfaction of industrial and domestic needs.

(3) No permit shall be required under WAC 173-134A-080(2) for withdrawals of artificially stored ground waters of less than 5,000 gallons per day for stockwatering purposes, for watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, for single or group domestic uses, or for an industrial purpose as prescribed in RCW 90.44.050 pertaining to the withdrawal of public ground waters.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-120, filed 6/1/83. Formerly WAC 173-134-090.]

WAC 173-134A-130 Agreements. (1) No use of water under a permit issued pursuant to WAC 173-134A-080(2) shall take place until the recipient of such permit shall enter into an agreement with the bureau, on a form and in a content, approved and previously agreed to by the bureau and the department, pertaining to withdrawal of artificially stored ground waters. The agreement shall relate to reasonable charges for withdrawal of artificially stored ground waters and other pertinent provisions necessary to comply with federal law and ensure payment of such charges. Use of water before the permittee enters into an agreement with the bureau shall cause the permit to be terminated by the department.

(2) The bureau shall not enter into an agreement, as provided in WAC 173-134A-130(1), until a copy of a permit issued by the department pursuant to WAC 173-134A-080(2) is received by the bureau. Thereafter, upon presentation of a request the bureau shall enter into an agreement with eligible persons having state permits as described in WAC 173-134A-130(1).

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-130, filed 6/1/83. Formerly WAC 173-134-100.]

WAC 173-134A-140 Existing laws and rights. (1) Nothing in this chapter, including any permit issued pursuant hereto, shall authorize the use of waters in a manner which injures the property of others.

(2) Nothing in this chapter purports or is intended to modify any rights of an irrigation district created under a water delivery and "repayment" contract between the United States and irrigation districts located within the Columbia Basin project.

(3) Nothing herein shall modify the rights of the United States to make use of the courts to protect its interests.

(4) Nothing in this chapter is intended to require the bureau to obtain a permit for recapture of ground water for project purposes by wasteways and drains, including Pot-holes Reservoir, which water is covered by an accepted declaration of right to withdraw artificially stored ground water pursuant to RCW 90.44.130.

(5) Nothing in this chapter purports to regulate the administration and operation of Columbia Basin project facilities.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.-130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-140, filed 6/1/83. Formerly chapter 173-134 WAC.]

WAC 173-134A-150 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-134A-150, filed 6/9/88. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-150, filed 6/1/83. Formerly chapter 173-134 WAC.]

WAC 173-134A-160 Relinquishments—Public ground water. To the extent the department identifies ground water rights that have reverted to the state pursuant to RCW 90.14.130, et seq.; it, in its discretion, may issue public ground water permits not exceeding those quantities. Public ground water made available due to relinquishment of water rights shall be subject to appropriation, reservation, or withdrawal in accordance with the applicable state water laws.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-160, filed 6/1/83.]

WAC 173-134A-165 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-134A-165, filed 6/9/88.]

WAC 173-134A-170 Appeals. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions, made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-134A-170, filed 6/9/88. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-170, filed 6/1/83.]

Chapter 173-136 WAC

THE ESTABLISHMENT OF A SYSTEM OF AUTHORIZING THE WITHDRAWAL OF ARTIFICIALLY STORED GROUND WATERS EMBODIED IN AN APPROVED DECLARATION UNDER RCW 90.44.130, WHICH ARE COMMINGLED WITH PUBLIC GROUND WATERS IN GROUND WATER AREAS, SUBAREAS, AND ZONES ESTABLISHED UNDER RCW 90.44.130

WAC

173-136-010	Purpose of chapter.
173-136-020	Definitions—This chapter.
173-136-030	Permit to withdraw.
173-136-040	Criteria for ruling upon application for permits.
173-136-050	Public notice of application and public hearings—When required.
173-136-060	Permits—Priorities and conditions of right of withdrawal.
173-136-070	Permits do not establish or embody water rights.
173-136-080	Permits shall be transmitted to the holder of a declaration.
173-136-090	Failure to obtain permit—Unlawful.

(2007 Ed.)

173-136-095	Enforcement.
173-136-100	Appeals.
173-136-110	Regulation review.

WAC 173-136-010 Purpose of chapter. The purpose of this chapter is to establish a permit system as a part of a comprehensive state water management and regulatory control program pertaining to the withdrawal and use of ground waters consisting of commingled artificially stored ground waters and public waters located in areas, subareas, and zones designated pursuant to RCW 90.44.130. The permit system established in this chapter relates only to the withdrawal and use of artificially stored ground waters of such ground waters.

[Order 74-36, § 173-136-010, filed 1/9/75.]

WAC 173-136-020 Definitions—This chapter. Definitions. For purposes of this chapter the following definitions shall apply. (It is noted that the (2) and (6) hereof are not intended to be identical with definitions contained in RCW 90.44.035.)

(1) "Area, subarea, or zone" means a ground water area, subarea, or zone designated by the department of ecology pursuant to RCW 90.44.130(3), which contains commingled artificially stored and public ground waters.

(2) "Artificially stored ground waters" mean water beneath the land surface within an area, subarea, or zone(s) which are the subject of a declaration accepted by the department of ecology pursuant to RCW 90.44.130(6).

(3) "Department" means the department of ecology.

(4) "Ground waters" means all waters beneath the land surface of an area, subarea, or zone.

(5) "Person" means individual, public, or private corporation, municipality, county, partnership, association, federal, or state agency or body, or any other entity whatsoever.

(6) "Public ground waters" means all ground waters within an area, subarea, or zone other than artificially stored ground waters.

[Order 74-36, § 173-136-020, filed 1/9/75.]

WAC 173-136-030 Permit to withdraw. No person, unless expressly exempted by a specific management regulation of the department adopted for an area or subarea, may withdraw any artificially stored ground waters for beneficial use from any area, subarea, or zone without first obtaining a permit from the department of ecology as hereinafter provided. An application for a permit shall be submitted on a form provided by the department. The application shall contain the following information:

- (1) Name
- (2) Address
- (3) Point of withdrawal
- (4) Place of use
- (5) Purpose of use
- (6) Time of use
- (6a) Amounts of withdrawal, including both maximum rate and the total volume each calendar year
- (7) The area, subarea, and zone from which the waters are to be withdrawn.

[Order 74-36, § 173-136-030, filed 1/9/75.]

WAC 173-136-040 Criteria for ruling upon application for permits. (1) The criteria for ruling on an application for a permit are as follows. An application shall be approved if:

- (a) Artificially stored waters are available for withdrawal; and
- (b) The public interest will not be detrimentally affected; and
- (c) Rights to withdraw public water will not be impaired; and
- (d) The interests of the holder embodied [embodied] in a declaration accepted by the department pursuant to RCW 90.44.130(6) will not be impaired.

(e) The withdrawal and use proposed in the application can be performed consistent with the provision of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific ground water area, subarea, or zone to which the application relates.

(2) Prior to issuance of a permit to withdraw artificially stored ground water, the department shall consult with the holder of a declaration accepted by the department pursuant to RCW 90.44.130.

[Order 74-36, § 173-136-040, filed 1/9/75.]

WAC 173-136-050 Public notice of application and public hearings—When required. (1) Public notices of applications filed with the department shall be required by the department only when it appears to the department that the public interest will be served. When a notice is required the applicant shall be responsible for its publication in a form, manner, and frequency as determined by the department unless otherwise specified.

(2) Public hearings on such applications shall be required by the department only when it appears to the department that the public interest will be served.

[Order 74-36, § 173-136-050, filed 1/9/75.]

WAC 173-136-060 Permits—Priorities and conditions of right of withdrawal. Every permit issued pursuant to this chapter shall be:

(1) Conditioned to insure the protection of public interest and values and of the rights of withdrawal and use established in public waters and artificially stored ground waters both prior and subsequent to the issuance of such a permit.

(2) Conditioned to comply with the provisions of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific ground water area, subarea, or zone to which the application relates.

(3) Conditioned to provide for inspection, monitoring, entry, and reporting of data by or to the department and the holder of an accepted declaration as required by the department.

(4) Conditioned to provide that a permit shall be subject to termination or modification for failure to comply with any agreement, approved by the department, between the permittee and the holder of a declaration accepted by the department of ecology pursuant to RCW 90.44.130.

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(5) Subject to termination or modification, through issuance of supplemental orders of the department, for good cause, including but not limited to:

- (a) Violation of a permit condition;
- (b) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;
- (c) The receipt of new facts or information dictate the same.

[Order 74-36, § 173-136-060, filed 1/9/75.]

WAC 173-136-070 Permits do not establish or embody water rights. Permits issued pursuant to this chapter do not establish or embody water rights as provided in RCW 90.44.050 and 90.44.060.

[Order 74-36, § 173-136-070, filed 1/9/75.]

WAC 173-136-080 Permits shall be transmitted to the holder of a declaration. A copy of each permit issued by the department under this chapter shall be transmitted, at the time of issuance, to the holder of a declaration accepted by the department pursuant to RCW 90.44.130 pertaining to artificially stored ground water.

[Order 74-36, § 173-136-080, filed 1/9/75.]

WAC 173-136-090 Failure to obtain permit—Unlawful. Failure to comply with the provisions of this chapter, including failure to obtain a permit as required herein and violation of a condition of such a permit, shall constitute a basis for the imposition of civil and criminal sanctions contained in applicable state statutes.

[Order 74-36, § 173-136-090, filed 1/9/75.]

WAC 173-136-095 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-136-095, filed 6/9/88.]

WAC 173-136-100 Appeals. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-136-100, filed 6/9/88; Order 74-36, § 173-136-100, filed 1/9/75.]

WAC 173-136-110 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-136-110, filed 6/9/88.]

Chapter 173-145 WAC**ADMINISTRATION OF THE FLOOD CONTROL ASSISTANCE ACCOUNT PROGRAM****WAC**

173-145-010	Authority and purpose.
173-145-020	Definitions.
173-145-030	Eligibility criteria for FCAAP funds.
173-145-040	Comprehensive flood control management plan (CFCMP).
173-145-050	Flood plain management activities.
173-145-060	FCAAP project application process.
173-145-070	FCAAP project approval process.
173-145-080	Criteria for allocation of funds.
173-145-090	Flood control assistance account funding and matching requirements.
173-145-100	Emergency fund administration.
173-145-110	Multiyear projects.
173-145-120	Work standards for all FCAAP projects.
173-145-130	Project construction monitoring.
173-145-140	Written agreements.
173-145-155	Approval of changes to written agreements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-145-150	Equipment rental. [Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-150, filed 6/21/85.] Repealed by 87-04-022 (Order 86-36), filed 1/28/87. Statutory Authority: Chapter 86.26 RCW.
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WAC 173-145-010 Authority and purpose. RCW 86.26.050 provides that counties and other municipal corporations responsible for flood control maintenance may apply to the department of ecology for financial assistance for the preparation of comprehensive flood control management plans and for flood control maintenance projects. The purpose of those plans is described in RCW 86.26.105. The department shall determine priorities and allocate available funds from the flood control assistance account program (FCAAP) among those counties applying for assistance, and shall adopt rules establishing the criteria by which those allocations must be made. The criteria must be based upon proposals that are likely to bring about public benefits commensurate with the amount of state funds allocated thereto. This chapter describes the manner in which ecology will implement the provisions of the act.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-010, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-010, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-010, filed 6/21/85.]

WAC 173-145-020 Definitions. For the purposes of this chapter, the following definitions are used:

(1) "Applicant." An eligible municipal corporation seeking matching funds for flood control maintenance work.

(2) "Appropriate local authority." A county, city, or town that has planning and land use jurisdiction within a given area that is covered by the comprehensive flood control management plan.

(3) "Certification." Certification is the written confirmation between ecology and the appropriate local authority and the county engineer who verifies the understanding as to what the comprehensive flood control management plan will contain, the timing and anticipated product, and a reporting schedule that will allow for ecology review and input during the plan development.

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(4) "Comprehensive flood control management plan (CFCMP)." A document that determines the need for flood control work, considers alternatives to in-stream flood control work, identifies and considers potential impacts of in-stream flood control work on the state's in-stream resources, and identifies the river's meander belt or floodway, as described in WAC 173-145-040.

(5) "County engineer." The appointed public works director, county engineer, or the person designated to act for the county engineer.

(6) "Eligible municipal corporation." Counties, cities, towns, conservation districts, flood control zone districts, or any special districts subject to flood conditions.

(7) "Emergency fund." That portion of the biennial appropriation allocated to the flood control assistance account which is set aside for emergency projects.

(8) "Emergency project." Flood control work necessary for reasons declared by the appropriate local authority and as authorized and approved by ecology that must be done immediately to protect lives or property.

(9) "Flood compatible land uses." Those uses of the land within the river's meander belt or floodway which comply with the minimum state, federal, and local flood plain management rule requirements.

(10) "Flood plain management activities." Activities described in WAC 173-145-050 performed by local governments through ordinances or other means to reduce the damaging effects of flooding.

(11) "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base (one hundred year frequency) flood without cumulatively increasing the water surface elevation more than a designated height.

(12) "Maintenance project." The work necessary to preserve or restore the natural condition or to restore man-made flood control facilities to their former condition using in-kind replacement materials or acceptable alternatives. This work is necessary due to anticipated or actual damage or destruction from flooding by action of erosion, stream flow, sheet runoff, or other damages by the sea or other bodies of water.

(13) "Meander belt." That portion of the flood plain, that can be identified by the evidence of present and previous meanders. This includes the present stream channel. Where there is no identified floodway, that area which is floodprone and has similar topographic characteristics to present and historic stream channels is considered as a meander belt.

(14) "Public benefit." Benefit to the health, safety, or general welfare of the citizens of the state or community at large that results from a flood control project or plan, or some benefit by which their rights or liabilities are affected such as an effect on public property or facilities owned or maintained by an eligible municipal corporation.

(15) "Special district." A district as defined in chapter 85.38 RCW that is either a:

- (a) Diking district;
- (b) Drainage district;
- (c) Diking, drainage, and/or sewerage improvement district;
- (d) Intercounty diking and drainage district;

(e) Consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or

(f) Flood control district.

[Statutory Authority: RCW 86.26.105, 01-02-006 (Order 00-13), § 173-145-020, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW, 87-04-022 (Order 86-36), § 173-145-020, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-020, filed 6/21/85.]

WAC 173-145-030 Eligibility criteria for FCAAP funds. Criteria to be used in determining eligibility for FCAAP funds are as follows:

(1) Eligible municipal corporation. The applicant must be an eligible municipal corporation as defined in WAC 173-145-020(6).

(2) Public benefit. The applicant must demonstrate that their comprehensive flood control management plans and flood control maintenance projects will further the general public and state interest as differentiated from a private interest and that they will bring about public benefits commensurate with FCAAP funds provided.

(3) Comprehensive flood control management plan. The requirements of WAC 173-145-040 must be complied with by the appropriate local authority with flood control jurisdiction over the area where the proposed project is located.

(4) Flood plain management activities. The appropriate local authority within whose jurisdiction projects are located must be engaging in approved flood plain management activities as described in WAC 173-145-050.

(5) Budget report. Any eligible municipal corporation seeking FCAAP funds shall submit its annual budget for flood control purposes to the county engineer within thirty calendar days after its final adoption. The county engineer shall then forward the budget report for eligible municipal corporations and for the county to ecology. The information will provide the basis for preparation of a preliminary plan for the most beneficial and orderly allocation of FCAAP funds. Soil conservation districts are exempt from the provisions of this section.

[Statutory Authority: RCW 86.26.105, 01-02-006 (Order 00-13), § 173-145-030, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW, 87-04-022 (Order 86-36), § 173-145-030, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-030, filed 6/21/85.]

WAC 173-145-040 Comprehensive flood control management plan (CFCMP). The county engineer of the county within which the maintenance project is located shall certify that the CFCMP has been completed and adopted by the appropriate local authority or is being prepared. Comprehensive flood control management plans, and any revisions to the plans, must be approved by ecology, in consultation with the department of fish and wildlife. The CFCMP must be completed and adopted within three years of the date that it is certified as being prepared. If, after the three-year period has elapsed, such a plan has not been completed and adopted, the appropriate local authority may not make grants to the county for flood control maintenance projects until the CFCMP is completed and adopted by the appropriate local authority. During the three-year period, projects within a drainage area, designated as the CFCMP study area, may be funded as part of a phased project plan: Provided, That preliminary studies

for the CFCMP have been conducted to identify the one-hundred-year frequency flood plain problem areas and factors contributing to flooding: And provided further, That the proposed projects have been prioritized to achieve the greatest efficiency in flood control for the overall CFCMP study area. These limitations on grants may not preclude allocations for emergency purposes made under RCW 86.26.060. The appropriate local authority may require the applicant to fully or partially fund the preparation of the CFCMP. The plan must include:

- (1) Determination of the need for flood control work.
 - (a) Description of the watershed;
 - (b) Identification of types of watershed flood problems;
 - (c) Location and identification of specific problem areas;
 - (d) Description of flood damage history;
 - (e) Description of potential flood damages;
 - (f) Short-term and long-term goals and objectives for the planning area;

(g) Description of rules that apply within the watershed including, but not limited to, local shoreline management master programs, and zoning, subdivision, and flood hazard ordinances;

(h) Determination that the instream flood control work is consistent with applicable policies and rules.

(2) Alternative flood control work.

(a) Description of potential measures of instream flood control work;

(b) Description of alternatives to instream flood control work.

(3) Identification and consideration of potential impacts of instream flood control work on the following instream uses and resources.

- (a) Fish resources;
- (b) Wildlife resources;
- (c) Scenic, aesthetic, and historic resources;
- (d) Navigation;
- (e) Water quality;
- (f) Hydrology;
- (g) Existing recreation;
- (h) Other impacts.

(4) Area of coverage for the comprehensive plan shall include, as a minimum, the area of the one-hundred-year frequency flood plain within a reach of the watershed of sufficient length to ensure that a comprehensive evaluation can be made of the flood problems for a specific reach of the watershed. The plan may or may not include an entire watershed. Comprehensive plans shall also include flood hazard areas not subject to riverine flooding such as areas subject to coastal flooding, flash flooding, or flooding from inadequate drainage. Either the meander belt or floodway must be identified on aerial photographs or maps that will be included with the plan.

(5) Conclusion and proposed solution(s). The CFCMP must be finalized by the following action from the appropriate local authority:

- (a) Evaluation of problems and needs;
- (b) Evaluation of alternative solutions;
- (c) Recommended corrective action with proposed impact resolution measures for resource losses; and
- (d) Corrective action priority.

(6) A certification from the state department of community, trade, and economic development that the local emergency management organization is administering an acceptable comprehensive emergency operations plan.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-040, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-040, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-040, filed 6/21/85.]

WAC 173-145-050 Flood plain management activities. Local jurisdictions within which flood control maintenance projects are located, must be engaging in flood plain management activities. Under chapter 86.26 RCW the director of the department of ecology must approve the flood plain management activities of the county, city, or town that has jurisdiction over the area where the project will be located. To be eligible for FCAAP funding the local jurisdiction must be required to:

(1) Participate in the National Flood Insurance Program (NFIP) and meet all of the NFIP requirements.

(2) Restrict land uses within the meander belt or floodway of rivers to only flood compatible uses. Where applicable, adopted shoreline management master programs will be considered a minimum land use measure.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-050, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-050, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-050, filed 6/21/85.]

WAC 173-145-060 FCAAP project application process. The project application process for the eligible municipal corporations' applications includes the following in the general sequence given.

(1) The applicant shall prepare the project application to comply with the provisions of chapter 86.26 RCW and this chapter. The application must be made on a form furnished by ecology. A complete application shall include the following:

(a) A written description of the project containing the following as a minimum: Name of applicant, name of affected water body, project summary, location, amount of local match, and proposed local funding source;

(b) A detailed cost estimate identifying major project elements;

(c) A map to identify water body names, stream river mile, section-township-range;

(d) Construction plans; and

(e) A description of the project benefits that describes how the project will mitigate flood damages and describes development which exists on adjacent and nearby lands which are protected by the facility.

(2) The applicant shall review the preliminary project proposal with the county engineer, the Washington department of fish and wildlife and the department of natural resources and any affected Indian tribes.

(3) The applicant shall submit a prioritized list of project applications to the county engineer.

(4) The county engineer shall submit a prioritized list of all project applications within the county to ecology.

(5) The county engineer shall furnish evidence to ecology that the comprehensive flood control management plan

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described in WAC 173-145-040 is being prepared or is completed and adopted by the appropriate local authority and the flood plain management activities described in WAC 173-145-050 are being implemented.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-060, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-060, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-060, filed 6/21/85.]

WAC 173-145-070 FCAAP project approval process.

The project approval process for the eligible municipal corporations' applications includes the following in the general sequence given.

(1) Ecology will review all projects for compliance with the requirements under this chapter and chapter 86.26 RCW.

(2) Ecology shall consult with the state department of fish and wildlife in the development of a project priority list. The state department of natural resources, affected Indian tribes, and other affected parties may review and comment on the proposed project plans before the approval of those plans.

(3) Thirty days public notice must be given that the project priority list will be the subject of a public hearing. Notice of this hearing shall appear in the *Washington State Register* in accordance with chapter 34.08 RCW.

(4) The project priority list will be available at the shorelands and environmental assistance program of the department of ecology, at least fifteen days before the public hearing.

(5) The public comments will be reviewed and ecology shall approve the project priority list as proposed or as revised in accordance with public comments.

(6) Ecology shall prepare and finalize the written agreements with the counties.

(7) The counties shall prepare and finalize the written agreements with the involved eligible municipal corporations within the county.

(8) The applicant shall prepare the construction plans and specifications for approval by the county engineer before submitting them to ecology for review and approval of each project for compliance with all requirements.

(9) The applicant shall acquire the necessary federal, state, and local permits or authorizations along with any other permission required to complete the project.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-070, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-070, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-070, filed 6/21/85.]

WAC 173-145-080 Criteria for allocation of funds.

The priority given to projects by ecology, the counties, and other eligible municipal corporations shall involve consideration of the following criteria:

(1) The relationship of public benefits to total project costs;

(2) The priority that has already been established by each county;

(3) Intensity of local flood control management problems including, but not limited to, their inter-relationships with:

(a) Population affected;

(b) Property and related development affected;

- (c) Land management and zoning;
- (d) Existing flood control management practices.
- (4) Where the CFCMP is completed and adopted, the following will be considered:
 - (a) Consistency with the plan or plan recommendations;
 - (b) Priority of the project as identified in the plan;
 - (c) Implementation of the plan or plan recommendations;
 - (d) Potential impacts of instream uses and resources;
- (5) Where a CFCMP is being developed or has not been initiated, the following will be considered:
 - (a) Evidence of multijurisdictional cooperation necessary for development of a comprehensive county or multi-county comprehensive flood control management plan (CFCMP);
 - (b) Availability of qualified personnel or resources for planning purposes;
 - (c) Availability of qualified personnel or resources for project construction purposes;
 - (d) Other planning efforts undertaken or proposed within the planning jurisdiction and their relationship to flood control management;
 - (e) Ability to make rapid progress toward development of a comprehensive flood control management plan;
 - (f) Existing and proposed participation of community groups, private industry, professional organizations, the general public, and others toward the development and implementation of the proposed comprehensive flood control management plan.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-080, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-080, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-080, filed 6/21/85.]

WAC 173-145-090 Flood control assistance account funding and matching requirements. The flood control assistance account is established at four million dollars at the beginning of each biennium. The following criteria must be used for allocating FCAAP funds:

- (1) The amount of FCAAP funding for any project, except emergency projects described in WAC 173-145-100, may not exceed seventy-five percent of the total project cost, including planning and design costs.
- (2) The amount of FCAAP funds for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total cost of the feasibility study.
- (3) The amount of FCAAP funds to prepare a CFCMP may not exceed seventy-five percent of the full planning costs.
- (4) The amount of FCAAP funds available for all non-emergency projects and CFCMP's in any county may not exceed five hundred thousand dollars per biennium.
- (5) In addition to the limits in subsection (4) of this section, an agency formed under chapter 86.13 RCW must be allowed up to one hundred thousand dollars in FCAAP funds per biennium.
- (6) In those areas where a designated CFCMP area extends into two or more jurisdictions, costs for a CFCMP may be shared by the involved local authorities.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-090, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-090, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-090, filed 6/21/85.]

WAC 173-145-100 Emergency fund administration. Funds must be available for flood control projects in response to unusual, unforeseeable [unforeseeable], and emergent flood conditions and must be allocated in amounts adequate for the preservation of life and property. The following criteria must be the basis of allocating the emergency funds:

- (1) Appropriations from the FCAAP fund for emergency projects will require the declaration of an emergency by the appropriate local authority.
- (2) Application for emergency funds must be made on the same form used for nonemergency fund applications.
- (3) Payment of FCAAP funds for emergency projects will be based on project construction costs. Flood fighting costs may be included.
- (4) Payment for emergency work must be allocated on a first-come first-serve basis and may not be based on any priority system.
- (5) At the discretion of ecology, emergency funds may be made available for use on nonemergency projects.
- (6) The maximum amount of emergency funds initially available for any one county is one hundred fifty thousand dollars per biennium. If the total available emergency funds are not needed by other counties, and the amount of emergency funds needed in a county exceeds one hundred fifty thousand dollars, the county can request additional emergency funds.
- (7) The flood control assistance account contribution may not exceed eighty percent of the eligible project cost of an emergency project.
- (8) Emergency funds will only be made available to projects that have been given approval for matching funds by the department of ecology before construction work is performed.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-100, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-100, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-100, filed 6/21/85.]

WAC 173-145-110 Multiyear projects. Approval for eligibility by ecology will only be required once for a project that continues more than one biennium, but funding for each subsequent biennium is subject to further FCAAP appropriation by the legislature.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-110, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-110, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-110, filed 6/21/85.]

WAC 173-145-120 Work standards for all FCAAP projects. All work that is funded from the flood control assistance account shall conform to the standards and specifications of the county engineer.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-120, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-120, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-120, filed 6/21/85.]

WAC 173-145-130 Project construction monitoring.

The following are the responsibilities and criteria for project construction monitoring and final approval:

(1) County engineer responsibilities. Associated with responsibility for project plan approval and supervision of the project work, the county engineer shall provide inspection to assure that all project work is conducted and completed according to the construction plans and specifications.

(2) Ecology's responsibilities. The authorized representative of the department of ecology has the right to enter at all reasonable times in or upon any property, public or private, for the purpose of monitoring and inspecting the project work as necessary to assure compliance with the terms of the appropriate written agreement. The authorized representative of the department of ecology is the contract officer and must be identified in the written agreement. The county engineer will be informed before any inspection for purposes of construction monitoring and guidance by any representative of ecology other than the contract officer. Representatives of ecology may observe the construction process without prior notification of the county engineer.

(3) Final inspection and approval. Upon completion of the work, the county engineer, along with representatives from ecology and the applicant, shall make a final detailed inspection. Results of the final inspection must be displayed in a written report prepared by ecology and, when appropriate, on "as built" construction plans. "As built" construction plans must be submitted to ecology within thirty days after the final project inspection.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-130, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-130, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-130, filed 6/21/85.]

WAC 173-145-140 Written agreements. Written agreements will be prepared by ecology as a means to reimburse eligible municipal corporations for work done on approved eligible projects or for development of CFCMP's. Written agreements, billing, and payment shall comply with ecology's standard requirements for grants and contracts. Notification is required when written agreements will not be accepted or executed to allow ecology the opportunity to award prioritized, unfunded projects.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-140, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-140, filed 6/21/85.]

WAC 173-145-155 Approval of changes to written agreements. All flood control maintenance and comprehensive flood control management planning (CFCMP) projects subject to the provisions of this rule must be conducted in accordance with the plans, specifications, and conditions approved by ecology. Any contemplated changes during construction or planning process that are significant deviations from conditions of the approved agreement, must first be submitted to ecology for approval. Any changes to the total cost of the project following execution of the written agreement must be submitted to ecology for approval before the construction or the completion of the plan.

[Statutory Authority: RCW 86.26.105. 01-02-006 (Order 00-13), § 173-145-155, filed 12/21/00, effective 1/21/01. Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-155, filed 1/28/87.]

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Chapter 173-150 WAC**PROTECTION OF WITHDRAWAL FACILITIES ASSOCIATED WITH GROUND WATER RIGHTS****WAC**

173-150-010	Purpose.
173-150-020	Authority.
173-150-030	Definitions.
173-150-040	Reasonable or feasible pumping lift.
173-150-050	Establishment of new rights—Interference considerations.
173-150-060	Impairment of water right.
173-150-070	Notification of impairment of right.
173-150-080	Procedures for correction of impairment.
173-150-090	Voluntary agreements.
173-150-100	Water quality.
173-150-110	Saltwater intrusion and ground water contamination.
173-150-120	Applicability.
173-150-125	Enforcement.
173-150-130	Appeals.
173-150-135	Regulation review.
173-150-140	Existing laws and regulations not affected.

WAC 173-150-010 Purpose. The purpose of this chapter is to establish and set forth the policies and procedures of the department of ecology in regard to the protection of the availability of ground water as it pertains to the water withdrawal facilities of holders of ground water rights.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-010, filed 5/29/85.]

WAC 173-150-020 Authority. This chapter is promulgated by the department of ecology pursuant to chapters 43.21A, 90.44, 90.54 and 18.104 RCW.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-020, filed 5/29/85.]

WAC 173-150-030 Definitions. For the purposes of this chapter the following definitions shall apply:

(1) "Department" means the Washington state department of ecology.

(2) "Ground water right" means an authorization to use ground water established pursuant to chapter 90.44 RCW, state common or statutory law existing prior to the enactment of chapter 90.44 RCW, or federal law.

(3) "Withdrawal facilities" means and includes any well, infiltration trench or other excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed, together with the casing, screen, pump, pump column, motor and related equipment, which is used for the withdrawal of ground water.

(4) "Aquifer" means any geologic formation that will yield water to a well or other withdrawal works in sufficient quantity for beneficial use.

(5) "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

(6) "Contamination" means an impairment of the beneficial use of ground water arising from the modification of the quality thereof by the introduction of organisms, chemical, organic or radioactive material or of heated or cooled water.

(7) "Significant modification" means the deepening or reaming of a well, lowering the pump bowls by adding lengths of pump column, adding water quality treatment

devices, or other similar modifications, where the total cost or value of such modifications exceeds (1) \$500.00 for domestic, stock or other water withdrawal facilities withdrawing less than 5,000 gallons per day, or (2) \$2500.00 for all other facilities.

(8) "Qualifying withdrawal facilities" means those withdrawal facilities which in the opinion of the department constitute a reasonable development of the aquifer. A reasonable development must satisfy the following requirements:

(a) The withdrawal facilities must be constructed in accordance with chapter 18.104 RCW (Water Well Construction Act) and chapter 173-160 WAC (Minimum standards for construction and maintenance of water wells) and the water right permit provisions, if any, or the applicable state laws and the regulations of the department which were in effect at the time of construction of the facilities.

(b) The withdrawal facilities must have a depth of aquifer penetration which will allow the withdrawal of water from a reasonable or feasible pumping lift;

(c) The withdrawal facilities must be able to accommodate a reasonable variation in seasonal pumping water levels;

(d) The withdrawal facilities, including the pumping facilities, must be properly sized to the ability of the aquifer to produce water.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-030, filed 5/29/85.]

WAC 173-150-040 Reasonable or feasible pumping lift. For the purposes of this chapter, reasonable or feasible pumping lift shall be determined by the department taking into account the following factors, among others:

(1) The geohydraulic characteristics of the aquifer;

(2) The state of construction technology of water withdrawal facilities;

(3) Historic considerations in regards to the construction, maintenance and use of water withdrawal facilities within the vicinity;

(4) The ground water area or subarea management program for the vicinity, if one exists.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-040, filed 5/29/85.]

WAC 173-150-050 Establishment of new rights—Interference considerations. If the department determines that a proposed appropriation of ground water would cause a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of an existing ground water right holder or that approval of the proposed appropriation would impair any existing water rights or would otherwise be detrimental to the public welfare, the application shall be rejected. If, however, the application is to be rejected because of conflict with existing rights, and the applicant thereafter indicates that such existing rights will be acquired by the applicant by purchase, gift or condemnation under RCW 90.03.040, the department may issue an interim conditional ruling and defer final decision on the application for a reasonable period of time to be specified by the department in the interim ruling.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-050, filed 5/29/85.]

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WAC 173-150-060 Impairment of water right. For the purposes of this chapter, a ground water right which pertains to qualifying withdrawal facilities, shall be deemed to be impaired whenever:

(1) There is an interruption or an interference in the availability of water to said facilities, or a contamination of such water, caused by the withdrawal of ground water by a junior water right holder or holders; and

(2) Significant modification is required to be made to said facilities in order to allow the senior ground water right to be exercised.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-060, filed 5/29/85.]

WAC 173-150-070 Notification of impairment of right. Any senior ground water right holder who believes that his water right has been impaired may notify the department of such impairment and request the assistance of the department to protect the availability of water to his qualifying withdrawal facilities. Such notification and request for assistance must be in writing and must contain the following information:

(1) Name, address and signature of the senior water right holder;

(2) Description of the water right, including the water right number if one exists; the quantities of water permitted and the quantities of water historically withdrawn; the priority date of the water right; the location of the withdrawal facilities; a description of the withdrawal facilities including well depth, casing, pump size and depth and historic water levels, and any recent changes made to the withdrawal facilities or the use of such facilities, especially in relation to WAC 173-150-030(8); the name of the water well contractor and a copy of the water well report of the construction of the withdrawal facilities, if available;

(3) Description of the alleged impairment of the senior water right, the date of the beginning of impairment, the degree of impairment and any steps taken by the senior water right holder to alleviate the impairment;

(4) Location and description of the junior water withdrawal facilities together with the name of the user thereof, if known, which in the opinion of the senior water right holder are the cause of the impairment;

(5) Any other pertinent information which may reasonably be required by the department.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-070, filed 5/29/85.]

WAC 173-150-080 Procedures for correction of impairment. Upon notification to the department of the impairment of a ground water right as provided in WAC 173-150-070 or on the department's own motion, the department may, when appropriate, notify the water right holders of the alleged impairment and of its intention to make investigations concerning the matter. The department may conduct aquifer or pump tests and make investigations of the withdrawal works, geology, hydrology, water quality, historic water use or other factors which may influence the local aquifers, and may make a written report of its findings. If it is determined that ground water withdrawals by a junior water right holder or holders have caused the impairment, the

department may, through regulatory orders, take one or more of the following actions:

(1) Bar or regulate the withdrawals of the junior appropriator(s) in a fashion which will preclude future impairment of the senior right;

(2) Bar or regulate the ground water withdrawals of the most junior water right holders in order of priority of right if the aggregate withdrawals exceed the maximum amount set by the department for the area, subarea or zone pursuant to the procedures of RCW 90.44.180;

(3) Require the well owner(s), including the senior water right holder, to rehabilitate or abandon the well(s) in accordance with chapter 173-160 WAC in the case of impairment caused by the failure of wells to meet the well construction standards or the requirements of water right permit or certificate provisions, if any;

(4) Rescind authorizations for additional junior withdrawal facilities and/or reduce the authorized withdrawal rates, as appropriate, where the department finds that an appropriation by a junior right holder is the cause of the impairment and where the said junior ground water right holder has not yet completed construction of the authorized withdrawal facilities. The department shall include a provision concerning the possibility of such rescissions as a condition on ground water permits with multiple points of withdrawal.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-080, filed 5/29/85.]

WAC 173-150-090 Voluntary agreements. (1) Notwithstanding the provisions of WAC 173-150-080, should the senior and junior water right holders reach a voluntary agreement which satisfies the concerns stated in the notification of impairment, the department, if it determines that the public interest is fully protected thereby, shall not regulate the withdrawals by the junior water right holder under this regulation.

(2) If such an agreement includes provisions for the delivery of water from another water withdrawal facility to the holder of the senior water right, said agreement shall not take effect until all requirements of RCW 90.44.100 are satisfied or, if a new right to withdraw water is required to be established, a permit is issued pursuant to RCW 90.44.050.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-090, filed 5/29/85.]

WAC 173-150-100 Water quality. As a general rule, an element of a ground water right is the right to use waters of quality appropriate to the beneficial use. In addition to the protection of the availability of ground water to the water withdrawal facilities of ground water right holders, it shall be the policy of the department to protect the quality of the ground waters of the state and in relation thereto to discourage any withdrawal facilities construction methods, water use or disposal practices which would contaminate or otherwise reduce the quality of the ground waters or impair the beneficial uses of ground waters of the state.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-100, filed 5/29/85.]

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WAC 173-150-110 Saltwater intrusion and ground water contamination. In addition to the procedures outlined in WAC 173-150-080, the department may regulate or control saltwater intrusion conditions caused by withdrawals from a freshwater aquifer or ground water contamination caused by improper well construction techniques or other causes, through other means, including artificial recharge projects, the importation of additional water from other sources, or any other means deemed by the department to be reasonable, feasible and appropriate.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-110, filed 5/29/85.]

WAC 173-150-120 Applicability. The provisions of this chapter shall apply to all ground water rights and ground water users under state jurisdiction, except that WAC 173-150-080 shall apply only to permits issued or other ground water rights established subsequent to the effective date of this chapter, or to withdrawal facilities which are the subject of an application for change of water right filed pursuant to RCW 90.44.100 subsequent to the effective date of this chapter. Cases of impairment caused by facilities or ground water rights which are not subject to this chapter shall be subject to existing state laws and regulations.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-120, filed 5/29/85.]

WAC 173-150-125 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-150-125, filed 6/9/88.]

WAC 173-150-130 Appeals. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-150-130, filed 6/9/88. Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-130, filed 5/29/85.]

WAC 173-150-135 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-150-135, filed 6/9/88.]

WAC 173-150-140 Existing laws and regulations not affected. Nothing in this chapter shall be construed to in any manner limit the authority of the department to administer and enforce the existing water resources laws of the state, including but not limited to chapters 18.104, 90.03, 90.36, 90.44, 90.48 and 90.54 RCW, and regulations promulgated thereunder.

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[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-140, filed 5/29/85.]

Chapter 173-152 WAC

WATER RIGHTS

WAC

173-152-010	Purpose.
173-152-020	Definitions.
173-152-030	Organization and management of work load.
173-152-040	Basin assessments.
173-152-050	Criteria for priority processing of competing applications.
173-152-060	Exceptions.

WAC 173-152-010 Purpose. This rule establishes the framework under which the department can provide for the organization of its work, prioritize basins to be assessed, conduct basin assessments, prioritize investigations of water right applications by geographic areas, and establish criteria for priority processing of applications for new water rights and applications for change or transfer of existing water rights.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-010, filed 2/27/98, effective 3/30/98.]

WAC 173-152-020 Definitions. For the purposes of this chapter the following definitions apply:

- (1) "Department" means the department of ecology.
- (2) "Public water system" means a water supply system as defined in RCW 70.119A.020.
- (3) "Applications to change or transfer" means applications made under RCW 90.03.380 or 90.44.100.
- (4) "Competing applications" means all existing applications for water right from the same water source, whether for a new water right or for a change or transfer of an existing water right.
- (5) "Same water source" or "source of water" means an aquifer or surface water body, including a stream, stream system, lake, or reservoir and any spring water or underground water that is part of or tributary to the surface water body or aquifer, that the department determines to be an independent water body for the purposes of water right administration.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-020, filed 2/27/98, effective 3/30/98.]

WAC 173-152-030 Organization and management of work load. (1) The department may establish regions and maintain regional offices or field offices for the purposes of maximizing the efficiency of its work. Regional offices and their geographic jurisdictions as of the effective date of this rule are as follows:

- (a) Northwest regional office serving Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties;
- (b) Southwest regional office serving Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties;
- (c) Central regional office serving Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties; and
- (d) Eastern regional office serving Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

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(2) The department will make decisions on new water right applications and applications for change or transfer of an existing water right within a region or within a regional or field office's geographic area in the order the application was received except as provided for in subsection (3) of this section and WAC 173-152-050.

(3) The department may, based on the criteria identified in subsection (4) of this section, conduct an investigation and make decisions on one or more water right applications for the use of water from the same water source. Within a regional office, more than one water source may be investigated at a time. When numerous applications for water from the same water source are being investigated, the decisions will be made in the order in which the applications were received. Each application will be considered individually under the requirements of chapters 90.03 and 90.44 RCW.

(4) Criteria for selecting a water source include, but are not limited to:

- (a) The number and age of pending applications, and the quantities of water requested;
- (b) The ability to efficiently investigate applications because of the availability of data related to water supply and future needs, streamflow needs for instream values, and hydrogeology of the basin;
- (c) The ability of the department to support implementation of local land use plans or implementation of water resource plans;
- (d) The projected population and economic growth in the area; and/or
- (e) The completion of an initial basin assessment as provided for in WAC 173-152-040(5).

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-030, filed 2/27/98, effective 3/30/98.]

WAC 173-152-040 Basin assessments. (1) The department may conduct assessments to assemble and correlate information related to water use, water availability, the quantity of water allocated to existing rights, claims, instream flow, and the hydrology of a basin to use in making decisions on future water resource allocation and use. The department may also enter into agreements or contracts with public or private parties to conduct assessments. Geographic areas or same water sources within a regional office service area will be identified or considered for assessment in cooperation with federal, state, tribal, and local jurisdictions and other interested parties. In determining a basin or same water source to assess, the department's consideration may include, but is not limited to, the following factors:

- (a) The number and age of pending applications, and the quantities of water requested;
- (b) The projected population, growth and off-stream needs for water in the area;
- (c) Known water quality problems;
- (d) Existence of distressed or endangered fish stocks;
- (e) Risk of impairment to senior rights (including instream flow rights);
- (f) Availability of data related to water supply and future need, streamflow needs for instream values, and hydrogeology of the basin;
- (g) The number of claims to water rights submitted pursuant to chapter 90.14 RCW; and

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(h) The ability of the department to support local land use activities.

(2) Multiple basin assessments may be conducted within a region at the same time. When the department determines it is in the public interest to conduct a basin assessment, it will:

(a) Publish notice of the intent to conduct a basin assessment once a week, for two consecutive weeks in a newspaper of general circulation within the geographic area;

(b) Hold in abeyance decisions on all competing water right applications in the basin after publication of a notice to initiate a basin assessment and until the initial basin assessment is complete and published except for applications prioritized pursuant to WAC 173-152-050; and

(c) Make decisions on competing applications after the initial basin assessment is complete and published to the extent sufficient information is available.

(3) Initial basin or water source assessments will be conducted to assemble the following existing information:

(a) Physical characterization of the watershed related to:

(i) Climatic impacts to water resources;

(ii) Geology;

(iii) Streamflow trends;

(iv) Ground water elevation trends and the contribution of ground water to streamflows; and

(v) Surface and ground water quality in the basin or water source.

(b) Out-of-stream water use characterization related to:

(i) Water rights, federal rights, and claims to water rights;

(ii) Estimated use of water pursuant to water rights and claims to water rights;

(iii) Water use pursuant to RCW 90.44.050;

(iv) Extent of unauthorized water use; and

(v) Potential future demands for out-of-stream water use in the basin.

(c) Instream water use characterization related to:

(i) National Pollution Discharge Elimination System permits and the need for instream flow for pollution assimilation;

(ii) Fish stocks and habitat requirements;

(iii) Wildlife habitat requirements;

(iv) Recreational requirements; and

(v) Water rights and claims to water rights.

(4) Upon completion and publication of the initial basin assessment, the department in consultation with the public and federal, state, tribal, local jurisdictions and interested parties will evaluate the basin assessment. The evaluation will assess the data, analysis, and presentation of information in the basin assessment in terms of quality, adequacy, and utility to make decisions on future water resource allocation and use.

(5) The department will make decisions on competing applications for water from a source of water within the basin where sufficient information for water resource allocation exists. If the department determines that the information assembled and correlated is not sufficient, the department may withdraw the water source from appropriation pursuant to RCW 90.54.050(2). The department in consultation with the public, federal, state, tribal, local jurisdictions and interested parties will design and conduct additional investigations, to the extent resources allow, to obtain the information

necessary to make future decisions on water allocation and use.

(6) The information obtained and compiled during an initial basin assessment of the water resources in a basin or water source will be contained in an open file technical report at the regional or field office.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-040, filed 2/27/98, effective 3/30/98.]

WAC 173-152-050 Criteria for priority processing of competing applications.

(1) An application may be processed prior to competing applications if the application resolves or alleviates a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users. Inadequate water rights for a public water system to serve existing hook-ups or to accommodate future population growth or other future uses do not constitute a public health or safety emergency. The application must be filed specifically to correct the actual or anticipated cause(s) of the public water system failure. To be considered a failing public water system, the system must meet one or more of the following conditions:

(a) The department, upon notification by and in consultation with the department of health or local health authority, determines a public water system has failed, or is in danger of failing within one year, to meet state board of health standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs;

(b) The current water source has failed or will fail so that the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable conservation efforts have been implemented; or

(c) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is unacceptable for human use.

(2) An application may be processed prior to competing applications if the department determines:

(a) Immediate action is necessary for preservation of public health or safety; or

(b) The proposed water use is nonconsumptive and if approved would substantially enhance or protect the quality of the natural environment.

(3) An application for change or transfer to an existing water right may be processed prior to competing applications provided one or more of the following criteria are satisfied:

(a) The change or transfer if approved would substantially enhance the quality of the natural environment; or

(b) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas;

(c) The change or transfer was filed by water right holders participating in an adjudication, and a decision is needed expeditiously to ensure that orders or decrees of the superior court will be representative of the current water use situation.

(4) Within each regional office, the department shall process applications satisfying the criteria in subsections (1) through (3) of this section in the following priority:

- (a) Public health and safety emergencies under subsection (1) of this section;
- (b) Preservation of other public health and safety concerns under subsection (2)(a) of this section;
- (c) Transfers or changes under subsection (3)(a) of this section;
- (d) Transfers or changes under subsection (3)(b) of this section;
- (e) Transfers or changes under subsection (3)(c) of this section; and
- (f) Nonconsumptive uses under subsection (2)(b) of this section.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-050, filed 2/27/98, effective 3/30/98.]

WAC 173-152-060 Exceptions. Nothing in this chapter precludes the department from processing applications or requests filed for temporary permits, preliminary permits or for emergent or emergency circumstances under RCW 43.83B.410, 90.03.383(7), or 90.03.390 and/or where the law provides a specific process for evaluation of an application and issuance of a decision.

[Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). 98-06-042 (Order 97-14), § 173-152-060, filed 2/27/98, effective 3/30/98.]

Chapter 173-153 WAC WATER CONSERVANCY BOARDS

WAC

173-153-010	What are the purpose and authority of this chapter?
173-153-020	To what does this chapter apply?
173-153-030	How are terms defined in this rule?
173-153-040	How is a water conservancy board created?
173-153-042	How are water conservancy board commissioners and alternates appointed and the length of their terms determined?
173-153-043	How can a board's authority be revoked or the board dissolved?
173-153-045	What is the process for restructuring a board?
173-153-050	What are the training requirements for board commissioners and alternates?
173-153-060	What is the scope of authority of a water conservancy board?
173-153-070	What does an applicant need to know about filing an application for transfer of a water right?
173-153-080	What public notice is given on a water right transfer application before a board?
173-153-090	How can protests and letters of concern or support on a water right transfer application be submitted to a board?
173-153-100	How does a water conservancy board operate?
173-153-110	What is involved in the examination of an application before a board?
173-153-120	What assistance is available to water conservancy boards?
173-153-130	How are records of decision and reports of examination made by a water conservancy board?
173-153-140	What is the process for notifying parties of a record of decision and report of examination?
173-153-150	What is ecology's review process of a board's record of decision?
173-153-160	When is a board-approved water right transfer that has been affirmed by ecology complete?
173-153-170	What are a board's reporting requirements?
173-153-180	What actions may be appealed under this chapter?
173-153-190	Existing rights are not affected.
173-153-200	Will ecology review this chapter in the future to determine if changes are necessary?

WAC 173-153-010 What are the purpose and authority of this chapter? The purpose of this chapter is to

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establish procedures the department of ecology (ecology), water conservancy boards, applicants, concerned agencies, and the public will follow in implementing chapter 90.80 RCW. Chapter 90.80 RCW authorizes establishment of water conservancy boards and vests them with certain powers relating to water right transfers. RCW 90.80.040 authorizes the department to adopt rules necessary to carry out the purposes of the statute.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-010, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-010, filed 11/17/99, effective 12/18/99.]

WAC 173-153-020 To what does this chapter apply?

These procedures apply to the establishment of water conservancy boards in accordance with chapter 90.80 RCW and to:

- (1) How such boards will function when processing water right transfer applications that are filed with a board or that are transferred to a board from ecology at an applicant's request;
- (2) Reporting requirements of boards;
- (3) How ecology will support and interact with boards; and
- (4) How interested agencies and the public may participate in the board process.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-020, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-020, filed 11/17/99, effective 12/18/99.]

WAC 173-153-030 How are terms defined in this rule? For the purposes of this chapter, unless the context clearly indicates otherwise, the following definitions apply:

"Application" means an application made on an ecology form identified as an Application for Change/Transfer to Water Right, form number 040-1-97 for a transfer of a water right, including those transfers proposed under authority of RCW 90.03.380, 90.03.390 and 90.44.100. A board may supplement the application with additional forms or requests for additional documentation. These forms and documentation become a part of the application.

"Board" means a water conservancy board pursuant to chapter 90.80 RCW.

"Bylaws" means the internal operating procedures, policies, or other guidance adopted by a board and designated as the board's bylaws.

"Consumptive use" means use of water whereby there is a diminishment of the water source.

"Director" means the director of the department of ecology.

"Ecology" means the department of ecology.

"Ecology regional office" means the water resources program at the ecology regional office designated to a board as the office where the board shall interact as identified within this chapter.

"Geographic area" means an area within the state of Washington in which an established board would have authority to process water right transfer applications. This area is identified by the legislative authority or authorities of the county or counties seeking to establish the water conservancy board. The area may be a single county, more than one

county, a single water resource inventory area, or more than one water resource inventory area. If the identified geographic area contains all or part of more than one county, the counties involved must identify a "lead county" for certain administrative purposes.

"Lead county" means the county legislative authority with which ecology will communicate for administrative purposes in cases where a water conservancy board's geographic area includes more than one county legislative authority.

"Nonwater right holder" means, solely for the purpose of satisfying RCW 90.80.050(2) in regard to determining whether a potential water conservancy board commissioner is a "nonwater right holder," any party who:

- (1) Does not meet the criteria of a water right holder as defined in this section; or
- (2) Receives water solely through a water distributing entity.

"Record of decision" means the written conclusion reached by a water conservancy board regarding a transfer application, with documentation of each board commissioner's vote on the decision. The record of decision must be on a form provided by ecology and identified as a Record of Decision, form number 040-105.

"Report of examination" means the written explanation, factual findings, and analysis that support a board's record of decision. The report of examination is an integral part of the record of decision. The report of examination must be on a form provided by ecology and identified as Water Conservancy Board Report of Examination, form number 040-106.

"Source" means the water body from which water is or would be diverted or withdrawn under an existing water right which an applicant has proposed to be transferred.

"Transfer" means a transfer, change, amendment, or other alteration of part or all of a water right, as authorized under RCW 90.03.380, 90.03.390 or 90.44.100.

"Trust water right" means any water right acquired by the state under chapter 90.38 or 90.42 RCW, for management in the state's trust water rights program.

"Water conservancy board coordinator" means the person designated by the director or his or her designee to coordinate statewide water conservancy board activities, communication, and training, and to advocate for consistent statewide implementation of chapter 90.80 RCW and chapter 173-153 WAC.

"Water right holder" means, solely for the purpose of satisfying RCW 90.80.020 (2)(d) and 90.80.050(2) in regard to determining whether the qualifications of petitioners to create a board and a potential water conservancy board commissioner are "water right holders," and as used within this rule, any individual who asserts that he or she has a water right and can provide appropriate documentation of a privately owned water right which is appurtenant to the land that they individually or through marital community property own or in which they have a majority interest. Exception to the definition of a water right holder for the purpose of determining a person's eligibility to be appointed as a commissioner is found in RCW 90.80.050(5).

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-030, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-030, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 (2007 Ed.)

RCW. 99-23-101 (Order 98-11), § 173-153-030, filed 11/17/99, effective 12/18/99.]

WAC 173-153-040 How is a water conservancy board created? All eligible entities identified in this section under subsection (1)(a) of this section are encouraged to consult with ecology when considering creation of a water conservancy board. In accordance with chapter 90.80 RCW, boards may have either three or five commissioners and must be established to serve an identified geographic area, as defined in WAC 173-153-030. A newly established board cannot include in the geographic area in which it will serve any area that overlaps with a geographic area served by an existing board.

(1) Creation of a water conservancy board is accomplished by the following steps:

- (a) A resolution or petition is proposed to or by the legislative authority or authorities of a county or counties;
- (b) Public notice;
- (c) Public hearing(s);
- (d) Adoption of a resolution creating the board by the legislative authority or authorities of the county or counties;
- (e) When a board is created by more than one county legislative authority, a lead county is designated;
- (f) A petition is submitted to the director; and
- (g) The director must approve the creation of a board.

Where is the resolution or petition calling for the creation of a board submitted?

(2) A resolution or petition calling for creation of a water conservancy board must be submitted to the legislative authority or authorities of the county or counties in which the board would serve.

Who can initiate a petition calling for the creation of a board?

(3) A resolution or petition may be initiated by the following entities:

- (a) The legislative authority or authorities of the county or counties which would be served by the board;
- (b) The legislative authority of an irrigation district, a public utility district that operates a public water system, a reclamation district, a city operating a public water system, or a water-sewer district that operates a public water system;
- (c) The governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts;
- (d) Five or more water right holders, in the geographic area which would be served by the board, who divert or withdraw water for a beneficial use, or whose nonuse of water is due to a sufficient cause or an exemption pursuant to RCW 90.14.140; or

(e) Any combination of the above.

What information must be included in the proposed resolution or petition calling for the creation of a board?

- (4) The resolution or petition must include:
 - (a) A statement describing the need for the board;
 - (b) Proposed bylaws that will govern the operation of the board;
 - (c) Identification of the geographic area within which the board would serve; and
 - (d) A description of the proposed method(s) for funding the operation of the board.

What notice is given to the public regarding the proposed creation of a board?

(5) A public notice must be published in a newspaper of general circulation in the county or, if the board would serve more than one county, a public notice must be published in a newspaper of general circulation in each county in which the board would serve. The notice(s) must be published not less than ten days and not more than thirty days before the date of a public hearing on the proposed creation of the board. The notice(s) shall describe the:

- (a) Time;
- (b) Date;
- (c) Place;
- (d) Purpose of the hearing; and
- (e) Purpose of the board.

Notice must be sent to the ecology regional office at the time of publication of the public notice, and an effort shall be made to ensure that any watershed planning unit and Indian tribe with an interest in water rights in the area to be served by the board also receives the notice.

How many public hearings must be held for the creation of a board?

(6) At least one public hearing on the proposed creation of the board must be held by the legislative authority of each county in which the board would serve.

What must be included in the adopted resolution which establishes a board?

(7) If the legislative authority or authorities of the county or counties decide to establish a board after the public hearing(s) a resolution must be adopted by the legislative authority or authorities of the county or counties, approving the creation of the board. The resolution must describe or include:

- (a) The need for the board;
- (b) The geographic area to be served by the board;
- (c) The method or methods which will be used to fund the board;
- (d) Whether the proposed board will consist of three or five commissioners;
- (e) The designated lead county if a board is proposed which would serve in more than one county; and
- (f) A finding that the creation of the board is in the public interest.

What is included in a petition to ecology for the creation of a board?

(8) The petition submitted to ecology to create the board must include the following:

- (a) A copy of the resolution or petition to or by the legislative authority or authorities of the county or counties calling for the creation of a board. If a board is proposed which would serve in more than one county, the resolution shall be provided by the lead county as designated under subsection (7)(e) of this section. If five petitioners meeting the definition of a water right holder in the county or counties which initiate the petition, the petition must also include the names and addresses of the petitioners;
- (b) A summary of the public testimony presented during the public hearing(s) conducted by the legislative authority or authorities of the county or counties in response to the resolution or petition to create a board. The summary shall be clearly identified and include the date of the hearing;

(c) A copy of the resolution adopted by the legislative authority or authorities of the county or counties approving the creation of a water conservancy board. The resolution must include all elements described in subsection (7) of this section; and

(d) A copy of the board's proposed bylaws.

What is the process for the director to approve or deny the creation of a water conservancy board?

(9) Upon submission to the water conservancy board coordinator of the required documentation pursuant to subsection (8) of this section, the director will determine whether the creation of a water conservancy board will further the purposes of the law and be in the public interest. The public interest includes, but is not limited to, whether ecology has sufficient staffing resources to provide the necessary training, monitoring, and technical assistance to the board and to make timely responses to the board's records of decisions.

(10) The director's determination regarding creation of the board shall be made within forty-five days of receiving all items listed in subsection (8) of this section.

(11) If creation of a board is approved, ecology will include in its notice of approval any unique conditions or provisions under which the approval is made, if any, and a description of the initial training requirements for board commissioners as outlined in WAC 173-153-050.

[Statutory Authority: RCW 90.80.040, 03-01-039 (Order 01-13), § 173-153-040, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-040, filed 11/17/99, effective 12/18/99.]

WAC 173-153-042 How are water conservancy board commissioners and alternates appointed and the length of their terms determined?

How do counties notify ecology of board commissioner's and alternate's appointments and terms?

(1) Upon approval of a new board by ecology, or upon approval of restructuring the number of commissioners on an existing board, the legislative authority of the county or the lead county shall submit to ecology's water conservancy board coordinator a written statement identifying the individuals appointed to the board. The statement must include:

- (a) The name, mailing address, and phone number or other contact information of the commissioners and/or alternates;
- (b) The terms of office of the commissioners; these terms of office must be staggered as described in RCW 90.80.050 (1).

What happens when a board commissioner's term expires or a board position becomes vacant?

(2) Upon the expiration of a board commissioner's or alternate's term, the appropriate legislative authority or authorities of the county or counties shall either:

- (a) Reappoint the incumbent commissioner or alternate; or
- (b) Appoint a new commissioner or alternate to the board. A written statement including the information as described in subsection (1) of this section shall be submitted to ecology's water conservancy board coordinator.

(3) In the event a board position becomes vacant, the legislative authority or authorities of the county or counties shall appoint a new commissioner in accordance with RCW

90.80.050(2). A statement as described in subsection (1) of this section must be submitted to ecology's water conservancy board coordinator. The new commissioner or alternate shall fill the vacancy only for the remainder of the unexpired term and, upon completion of the unexpired term, may be reappointed, as described in subsection (2) of this section, to serve a full six-year term.

(4) If a board commissioner or alternate is reappointed to a position previously held by that commissioner or alternate within one year of resigning the position or within one year of the expiration of the commissioner's or alternate's term of service, then the original appointment date will be considered as the appointment date of record.

What are the terms of board commissioners and alternates?

(5) Initial terms of commissioners appointed to a newly created board shall be staggered as described in RCW 90.80.050. All alternate positions shall be for six-year terms.

(6) Upon the expiration of the initially appointed commissioners' terms, all subsequent appointments shall be for six-year terms.

(7) The initial terms of office of board commissioners on a restructured board shall be staggered as set forth in RCW 90.80.050. As each of the commissioners' term of office expires, newly or reappointed commissioners shall all be appointed to six-year terms.

How would an appointed board commissioner or alternate resign the position?

(8) A board commissioner or alternate may resign the board position by submitting a letter of resignation to the appointing county or counties. A copy of the resignation letter must be submitted to the water conservancy board coordinator by either the resigning board commissioner or alternate or by the board.

What is the responsibility of a board in notification of board vacancies?

(9) It is the responsibility of the board to notify the appointing county(ies) and the water conservancy board coordinator that there is a board commissioner vacancy.

(10) The appointing county(ies) and the board will determine and conduct a process to fill the commissioner vacancy in accordance with subsection (3) of this section.

[Statutory Authority: RCW 90.80.040. 06-18-102 (Order 05-18), § 173-153-042, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-042, filed 12/9/02, effective 1/9/03.]

WAC 173-153-043 How can a board's authority be revoked or the board dissolved?

Revocation:

(1)(a) Ecology may revoke legal authority of a board to make any decisions regarding water right transfers for reasons which include, but are not limited to, the following:

(i) If the board fails to issue a record of decision for a period of two years or more from the date the board was approved or from the date that the last record of decision was issued; or

(ii) If the board demonstrates a pattern of ignoring statutory and regulatory requirements in its processing of applications or in its records of decision; or

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(iii) If requested by the legislative authority or authorities of the county or counties that called for the board's formation.

(b) The board will be allowed thirty days to respond to any revocation before it becomes effective. Ecology may reverse the revocation based upon the board response.

Dissolution:

(2)(a) The legislative authority of a county or lead county may adopt a resolution to dissolve a board.

(b) Ecology may petition the legislative authority of the county or lead county, with a copy to the board, for dissolution of a board.

(c) Upon resolution by the legislative authority of the county or lead county to approve the dissolution of a board, the board will be allowed thirty days after the date of the resolution to respond to the petition for dissolution.

(d) The resolution by a county or lead county to approve the dissolution of a board will become effective thirty days after adoption of the resolution.

(e) The legislative authority of the county or lead county may reverse the dissolution based upon the board's response.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-043, filed 12/9/02, effective 1/9/03.]

WAC 173-153-045 What is the process for restructuring a board? (1) A board may be restructured as to the number of commissioners on the board and the geographic area of its jurisdiction.

(2) A board, a county legislative authority, or a lead county legislative authority may request to restructure an existing board within its geographical jurisdiction. It is suggested that the legislative authority or authorities of the county or counties and the existing board communicate and work cooperatively during the board restructuring process.

(3) If a request is made to restructure an existing board to a multicounty board, WRIA board, or multi-WRIA board, the county legislative authority with the existing board must determine if the restructured board would include geographic areas within an additional county or counties. If the restructure includes a geographic area of another county, the county legislative authority or all county legislative authorities of the affected counties must agree:

(a) To the number of board commissioners serving on the board;

(b) Whether the commissioners and alternates currently appointed to and serving on the existing board or boards shall continue in that capacity;

(c) That areas within the county may be included within the geographic jurisdiction of the multicounty, WRIA, or multi-WRIA board.

(4) If the county legislative authorities included in the restructuring cannot agree to the terms of the restructure using an existing board, the county or counties in which a county legislative authority already has an established board may dissolve the existing board and work cooperatively with the other county legislative authority or county legislative authorities to establish a new board.

(5) The legislative authority or authorities of the pertinent county or counties shall hold a public hearing and adopt a resolution including:

(a) The manner of restructuring and the need for restructuring the board;

(b) The number of commissioners to serve on the board;

(c) The proposed geographic area of jurisdiction of the board;

(d) If the proposed geographic area of jurisdiction is restructured to include more than one county legislative authority, the legislative authorities of each county included within the restructuring shall identify a lead county; and

(e) A summary of the public testimony presented during the public hearing(s) conducted by the legislative authority or authorities of the county or counties in response to the resolution to restructure a board. The summary shall be clearly identified and include the date of the hearing.

(6) Upon submission to the water conservancy board coordinator of the required documentation pursuant to subsection (3) of this section, the director will determine whether the restructuring of a board will further the purposes of the law and be in the public interest as described in WAC 173-153-040(10).

(7) The director's determination to approve or deny restructuring of the board shall be made within forty-five days of receiving all items listed in subsection (5) of this section.

(8) If the board restructuring is approved, ecology will include in its notice of approval any unique conditions or provisions under which the approval is made, if any, and shall identify the date the restructuring of the board will take effect. The director shall also identify any additional training required of the board if it assumes jurisdiction of a new geographic area.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-045, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-045, filed 12/9/02, effective 1/9/03.]

WAC 173-153-050 What are the training requirements for board commissioners and alternates?

What training is required for newly appointed board commissioners and alternates?

(1) Every commissioner and alternate of a board shall complete a training program provided by ecology:

(a) Before participating in any decision concerning a water right transfer application being considered by the board;

(b) Within one year of appointment to the board by the county legislative authority. If the training program is offered and is not completed within one year of appointment to the board, ecology may inform the county and request the county to seek the commissioner's resignation;

(c) Not more than one year prior to the commissioner's or alternate's appointment to the board by the county legislative authority. If the training program is completed by board administrative staff or other participating noncommissioners more than one year prior to subsequent appointment to the board, the commissioner will be required to repeat the training.

(2) Attendance at a training session for new commissioners shall be limited to board commissioners, their administrative staff, board alternates, and individuals providing training. Due to the complexity of the training and the need to provide adequate time to focus on questions from board

commissioners, the number of participants attending each training session shall be left to the discretion of the water conservancy board coordinator. Training for new commissioners shall be scheduled depending on, but not limited to:

(a) Whether ecology has sufficient staffing resources to provide the necessary training; and/or

(b) Whether there are sufficient numbers of board commissioners and/or alternates needing training.

(3) Successful completion of the training program will:

(a) Consist of at least thirty-two hours of instruction, from or sponsored by ecology, regarding hydrology, state water law, state water policy, administrative and judicial case law developments, field practices, evaluation of existing water rights, and practical experience working with ecology staff on applications for water right transfers;

(b) Require demonstrating an understanding of course materials during training, and demonstrating sufficient mastery of the training curriculum through an examination administered by an ecology employee upon completion of training; and

(c) Only be recognized and tracked by ecology for appointed commissioners and alternates.

(4) If a board is restructured to modify the geographic area, the director may require additional training of all board commissioners.

(5) Upon a water conservancy board commissioner's or alternate's successful completion of the training, ecology will certify such completion in writing to the county or lead county of the geographic area served by the board. A copy of this letter shall also be sent to the board.

Are there continuing education requirements for board commissioners and alternates?

(6) After completing one year of service on a water conservancy board, each following year prior to the anniversary of their appointment date to the board, commissioners and alternates must complete an additional eight hours of continuing education provided or approved by ecology. Each commissioner and alternate shall complete the minimum continuing education requirement before participating in any decision concerning a water right transfer application being considered by a board.

(7) The anniversary date for a board commissioner or alternate serving on more than one board concurrently will be determined by the earliest of all combined board appointment dates.

(8) If less than six months has passed between the termination of service as a commissioner or alternate and appointment to any board as a commissioner or alternate, any current continuing education credit received during the last twelve months of the period of service with the previous board will apply to the new term under the new date of appointment in accordance with WAC 173-153-042. If a period of greater than six months has passed between the termination of service as a commissioner or alternate and appointment to any other board as a commissioner or alternate, any current continuing education credit received during the period of service with the previous board will not apply to the new term under the new date of appointment.

(9) Each board commissioner and alternate must ensure his or her own eligibility and remain current on continuing education. Eligibility of a board commissioner or alternate

could become a basis for ecology's reversal of a record of decision or an appeal by a third party of ecology's final administrative order.

(10) Ecology may, at its discretion, and in response to requests, provide continuing education training periodically. Ecology may also combine training for more than one board. Attendance at continuing education sessions provided by ecology water resources program shall generally be limited to board commissioners, administrative staff to boards, board alternates, and individuals providing training. Ecology may, at its discretion, and in response to requests, invite other identified entities to participate in continuing education sessions.

How can a board commissioner or alternate receive credit for continuing education not provided or sponsored by ecology water resources program?

(11) Continuing education training requirements may be fulfilled through training not provided or sponsored by ecology's water resources program. However, such training will be accepted only if it is reported to ecology on a form provided by ecology and identified as the Water Conservancy Board Training Credit Request Form, form number 040-104, and approved at ecology's discretion.

(12) To receive continuing education credit for participating in a training activity sponsored by another entity other than ecology water resources program, a Water Conservancy Board Training Credit Request Form, form number 040-104:

- (a) Must be used;
- (b) Must be submitted to the water conservancy board coordinator at ecology;
- (c) Must include all required information. If the form is incomplete, it will be returned to the commissioner or alternate requesting the credit;
- (d) Must include documentation of course attendance. If attendance documentation is not provided, a written summary of the training activity and information learned must be included;
- (e) Must provide enough information to justify the hours requested;
- (f) Will only be accepted by ecology after completion of the commissioner's or alternate's participation in the training activity.

(13) The complete training credit request form identified under subsection (12) of this section will be reviewed as expeditiously as possible by ecology. The hours credited to the commissioner or alternate will be documented by ecology in a letter to the commissioner or alternate requesting the training credit. A copy of the letter will be sent to the ecology designated regional representative and the water conservancy board.

(14) The approved credit hours count toward a commissioner's or alternate's eligibility only upon the receipt by the commissioner or alternate of written confirmation from ecology.

(15) The hours credited in subsection (13) of this section are effective based on the date of the letter issued by ecology approving the training.

(16) Training means that the commissioner or alternate participates in a forum specifically intended for learning from another person such as an author, instructor, speaker, or presenter.

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(17) Reasonable and appropriate continuing education subjects that directly relate to water conservancy board authorities and responsibilities include, but are not limited to:

- (a) State water law;
- (b) State water policy;
- (c) Administrative and judicial case law developments;
- (d) Field practices;
- (e) Evaluation of existing water rights;
- (f) Hydrology;
- (g) Technical writing;
- (h) Other related topics.

(18) Reasonable and appropriate continuing education activities that directly relate to water conservancy board authorities and responsibilities include, but are not limited to:

- (a) Seminars;
- (b) Conferences;
- (c) Classes;
- (d) Presentations given by others;
- (e) Readings. Readings may include books on water resource issues or law, proceedings and papers associated with conferences related to subjects included in subsection (17) of this section;
- (f) Field experiences; and
- (g) Research completed for a presentation, speech, or instruction given by the board commissioner or alternate.

(19) Examples of activities not considered reasonable and appropriate continuing education include, but are not limited to:

- (a) Meetings in which the commissioner or alternate acts as a member of a committee, or integral participant in proceedings, appeals, or litigation;
- (b) Presentations, speeches, or instruction personally made by, or readings authored by, the commissioner or alternate requesting the training credit;
- (c) Work done by a commissioner or alternate as part of the direct responsibilities of the water conservancy board such as:
 - (i) Field examinations;
 - (ii) Investigation of a water right change application;
 - (iii) Discussions of applications;
 - (iv) Technical assistance received specific to an application; and
 - (v) Litigation initiated by a water conservancy board, or a board commissioner or alternate or litigation initiated by an entity against the water conservancy board or board commissioner or alternate;
- (d) Topics that do not directly relate to water conservancy board authorities and responsibilities.

(20) Board commissioners are encouraged to report to the water conservancy board coordinator all relevant continuing education received. Ecology will track all training received and reported by board commissioners and alternates as required in subsections (11) through (19) of this section. Any continuing education hours received and reported beyond the required eight hours annually will be documented and kept on file at ecology. Continuing education in excess of the required eight hours cannot be carried over to the next year.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-050, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-050, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80

RCW. 99-23-101 (Order 98-11), § 173-153-050, filed 11/17/99, effective 12/18/99.]

WAC 173-153-060 What is the scope of authority of a water conservancy board? (1) A board has authority to:

(a) Evaluate water right transfer applications and issue records of decision and reports of examination for water right transfers;

(b) Act upon the transfer of water rights to the state trust water right program, when doing so is associated with an application to transfer a water right. Boards are encouraged to immediately contact ecology for technical assistance when acting on changes involving trust water rights;

(c) Establish and maintain a water right transfer information exchange program regarding the sale and lease of water rights; and

(d) Perform other activities as may be authorized under chapter 90.80 RCW, subject to other applicable state laws and regulations.

How does a board process a water right change application?

(2) A board may accept for processing an application to transfer a surface or ground water right if the water right is currently diverted, withdrawn, or used within or, if approved, would be diverted, withdrawn, or used within the boundaries of the geographic area in which the board has jurisdiction, exceptions to this are stated in subsection (7) of this section. The application may be for a permanent or temporary use.

(a) The board should promptly request from the department a copy of the water right file related to the water right transfer application filed with the board. The department will comply with the request at no charge to the board.

(b) The board shall investigate the application and determine whether the proposal should be approved or denied and, if approved, under what conditions, if any, the approval should be granted.

(c) As part of the process described in subsection (2)(b) of this section, boards should determine whether a watershed planning unit is involved in planning related to the source of water that would be affected by the application being considered. If so, the board should notify the planning unit of the application, and consider comments from the watershed planning unit prior to issuing its record of decision.

(3) Decisions on applications must be made by a board in the order in which the applications were originally accepted by the board. Exceptions are outlined in RCW 90.03.380 and chapter 173-152 WAC.

(4) Boards must take into consideration the effect of a proposed transfer on the availability of water for, or possible impairment of, previously filed transfer applications for water from the same source regardless of the order in which applications are processed. This includes any applications for transfers filed with ecology or any other water conservancy board. Ecology will cooperate with boards to resolve any problems associated with conflicting applications.

(5) Neither the annual quantity nor the instantaneous quantity of water tentatively determined by the board to be associated with a water right may be increased. Uses may not be added and the acreage irrigated may not be expanded, except in the circumstances allowed in RCW 90.03.380, in

which the annual consumptive use under the water right is not increased.

(6) As described in RCW 90.66.065, under a family farm permit, surplus waters made available through water-use efficiency may, subject to laws including WAC 173-152-110, be transferred to any purpose of use that is a beneficial use of water.

(7) Any water right or portion of a water right that has not previously been put to actual beneficial use cannot be transferred, except as authorized by RCW 90.44.100, or RCW 90.03.395 and 90.03.397.

Where can an applicant file a water right change application?

(8) If a board has been established in an area where an applicant wishes to apply for a water right transfer, applicants have the option of applying either directly to ecology or to a board.

What happens if two boards have overlapping jurisdictions?

(9) Overlapping jurisdiction occurs because boards may transfer rights into and out of their geographic area. Water conservancy boards may negotiate inter-board agreements to determine which board will act in instances of overlapping jurisdiction. Boards are advised to research applicable law, including chapter 39.34 RCW, the Interlocal Cooperation Act, prior to entering into any agreement. Any such agreement must be filed with the water conservancy board coordinator within fifteen days of its effective date.

(10) In circumstances in which more than one board may have authority to process water right transfers in a particular area, but the boards have not negotiated an inter-board agreement as specified in subsection (9) of this section, an applicant may file an application with either board. For example, if one board has authority to transfer the applicant's water right out of its jurisdiction, while another board has authority to transfer the water right into its jurisdiction, the applicant can apply to either board.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-060, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-060, filed 11/17/99, effective 12/18/99.]

WAC 173-153-070 What does an applicant need to know about filing an application for transfer of a water right?

How are applications accepted for processing by a board?

(1) Ecology will provide water right transfer application forms and applicant instructions to boards, which will make them available to the public upon request. All applications to a board must be made using the water right application for change/transfer form supplied by ecology, form number 040-1-97.

(2) Boards and ecology shall inform all applicants that the decision to file a transfer application with a board rather than directly with ecology is solely at the discretion of the applicant, provided a board is active in the area addressed by the transfer application.

(3) A water right transfer application is considered filed when it is received by a board commissioner, or a designated

administrative support person for a board at the location designated by the board.

(4) A separate application must be filed for each water right that is proposed to be transferred.

(5) A majority vote of a quorum of a board is required to accept a complete application for processing.

What must a complete application include?

(6) Boards shall require that applications submitted directly to them are complete and legible. A complete application shall:

(a) Contain the information requested on the application form as applicable.

(b) Include all required signatures.

(c) Be accompanied by such maps and drawings, in duplicate, and such other data or fees, as may be required by the board. Such accompanying data shall be considered as part of the application as described in RCW 90.03.260.

(7) A board may request that an applicant provide additional information as part of the application by requiring, for example, that the applicant complete additional forms supplemental to the standard application or that applicant prepare and/or provide specific reports regarding aspects of the application.

How is an application number assigned to a water right transfer application filed with a board?

(8) The board shall assign a unique number to a water right transfer application upon acceptance of the application by the board.

(9) The number assigned by the board to the water right transfer application shall be written in ink within the "office use only" space provided on the application for the application number.

(10) The water right transfer application, public notice, record of decision, and report of examination produced by the board in processing the application shall reference the board-assigned number.

(11) The unique application number is assigned in accordance with the following three-part format:

(a) The first part of the board-assigned application number will identify the board that has accepted the application as follows:

(i) Boards having jurisdiction within a geographic area that is based upon a county boundary or the boundary of multiple counties will begin all application numbers with the first four letters of the name of the county or of the lead county. For example, a board with jurisdiction within Kittitas County will begin each application number with the letters "KITT."

(ii) Boards that have jurisdiction within a geographic area that is based upon a water resource inventory area (WRIA) or multiple WRIsAs will use the number of the WRIA of jurisdiction or, in the case of multi-WRIA boards, the WRIA of jurisdiction associated with the water right.

(b) The second part of the board-assigned application number will be the last two digits of the year in which the application was accepted. For example, applications that are accepted during the year 2003 will use the digits "03."

(c) The third part of the board-assigned application number will be a sequential two-digit number beginning with the number "01" for the first application accepted after the effective date of this rule and beginning with number "01" for the

first application accepted by the board during each subsequent calendar year.

(d) A dash (-) will be used to separate the three parts of the application number as provided within (a), (b), and (c) of this subsection. For instance, the first application accepted by the Kittitas County water conservancy board during the year 2003 will be assigned number KITT-03-01.

Can applications before a board also be considered filed with ecology?

(12) The board must forward the complete original application form upon which the board has legibly written the board-assigned application number in the "office use only" space to the ecology designated regional representative within five business days of the date the board accepts the application for processing.

(13) Within thirty business days from the date ecology receives the application from the board, ecology will assign a state water right change application number to the application and inform the board of the assigned number. The number assigned by ecology will be used for ecology's internal administrative purposes, including the recording of the application within the state water right record. The ecology-assigned number need not be used by the board in processing the application, including within the public notice.

(14) Ecology will open and maintain a file regarding the application for permanent recordkeeping. The application will not be considered as part of ecology's active application processing workload while the application is being processed by the board, but upon receipt of the application by ecology, the application is considered to be dual-filed with both the board and ecology. The application will retain a place in line with ecology based upon the date of acceptance by the board without payment of state examination fees as long as the board is processing the application.

(15) Ecology shall not act on the application unless it is notified by the board that the board has declined to process the application and upon receiving a written request from the applicant that ecology process the application. Upon written request from the applicant that ecology process the application, the required state examination fee will be due. Ecology shall notify the applicant that examination fees are due to ecology. The applicant must submit the required state examination fee within sixty days after the written request to ecology to process the application. Ecology will not process an application until all fees are paid.

(16) The applicant may voluntarily withdraw the application from the board by making such request to the board in written form. The board shall forward a copy of the applicant's request to withdraw the application to the ecology designated regional representative. The application is considered withdrawn from ecology upon the withdrawal of the application from the board. Ecology will remove the application from its line and reject the application.

How can responsibility for processing an application previously filed with ecology be transferred to a board?

(17) If an application has previously been filed with ecology, the applicant may make a request that ecology convey the application to the board with geographic jurisdiction. Such a request must be in written form. A copy of the written request to ecology must be sent to the board at the same time. Ecology will comply with the request by providing all related

file documents to the appropriate board. The original application will continue to be on file and maintained at ecology but will not be considered as part of ecology's active workload while the application is being processed by the board.

(18) The board shall notify ecology if it accepts the application for processing. Upon acceptance for processing by the board, the application will retain its place in line at ecology and be considered dual-filed with both the board and ecology. Ecology will remove the application from its active workload. The board will assign an application number in accordance with subsection (11) of this section and inform the ecology designated regional representative in writing of the board's application number within five business days of accepting the application.

(19) If an application previously filed directly with ecology is accepted for processing by a board, the board shall ensure that a public notice of the application consistent with WAC 173-153-080 is made, regardless of whether the application was previously subject to public notice by ecology.

Can a board decide not to accept an application for processing, or decide to discontinue processing an application?

(20) By a majority vote of a quorum of a board, a board may decline to process or may discontinue processing an application at any time. The board must inform the applicant of its decision in writing within fourteen business days of making the decision. The board must, at the same time, send the ecology regional office a copy of the board's written notice to the applicant. If the basis of the board's decision to decline processing the application is not sufficiently clear from the written notice, and the applicant filed a written request that ecology process the application, ecology may request a further written explanation regarding the board's decision not to process or finish processing the application. The board must provide this additional written explanation within thirty days of ecology's request.

(21) If a board declines to process or discontinues processing an application, it must return the application to the applicant and must inform the applicant that the application may be filed with ecology and advise the applicant of the appropriate ecology office where the application should be filed.

Who must receive copies of applications being processed by a board?

(22) Boards must ensure that copies of applications accepted by them for processing are provided to interested parties in compliance with existing laws. To assist the boards in this, ecology will provide a list of parties which have identified themselves to ecology as interested in the geographic area of the board. Additional interested parties, including Indian tribes, may request copies of applications from boards.

(23) A notice of each application accepted by a board shall be provided to any Indian tribe that has reservation lands or trust lands contiguous with or encompassed within the geographic area of the board's jurisdiction.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-070, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-070, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-070, filed 11/17/99, effective 12/18/99.]

WAC 173-153-080 What public notice is given on a water right transfer application before a board? (1) Upon acceptance by a board of a water right transfer application in accordance with this chapter, the board shall publish a public notice of the proposed water right transfer in accordance with RCW 90.03.280. This notice must be published at least once a week for two consecutive weeks in the legal notice section of a newspaper of general circulation in the project area of the county or counties where the application proposes to use, divert, withdraw and/or store water. Ecology must provide the board with a list of newspapers generally acceptable for the publication of public notices. The board should consider publishing an additional public notice in other areas that could be affected by the transfer proposal. The public notice of each individual application for transfer must include the following information:

- (a) The applicant's name and city or county of residence;
- (b) The board's assigned water right change application number;
- (c) The water right priority date;
- (d) A description of the water right to be transferred, including the number of any water right document, that embodies the water right such as a permit, certificate or claim filed under chapter 90.14 RCW, the location of the point of diversion or withdrawal; the place of use; the purpose(s) of use; the period of use; if for irrigation purposes, the total acres irrigated; and the instantaneous rate and annual quantities as stated on the water right document;
- (e) A description of the proposed transfer(s) to be made, including, when applicable, the proposed location of point(s) of diversion or withdrawal; the proposed place(s) of use; the proposed purpose(s) of use; if for irrigation purposes, the total number of acres to be irrigated; and the instantaneous rate and annual quantities of water associated with the proposed water right transfer including the description of a transfer that includes only a portion of a water right;
- (f) The manner and time limit for filing protests with ecology under RCW 90.03.470 and WAC 508-12-170; and
- (g) The manner for providing written and oral comments or other information to the board, including the board's mailing address and the place, date, and time of any public meeting or hearing scheduled to consider, discuss, or decide the application.

(2) The board may require the applicant to review and confirm the information in the public notice prior to publication. If the board does so, the applicant assumes responsibility for any errors contained in the description of the application published in the public notice.

How does the board verify that proper public notice of the application was made?

(3) The board must send a copy of the public notice to the ecology designated regional representative at the same time the public notice is submitted for publication.

(4) Before issuing a decision on an application, the board must first receive a notarized affidavit of publication from each newspaper in which the public notice regarding the application was published, and the board must verify that publication occurred correctly. The board must also allow at least thirty days following the last date of publication of the notice, to allow for protests or objections to be filed with ecology before the board issues a record of decision.

How are errors or omissions in the public notice corrected? When does a public notice need to be republished?

(5) The public notice must be republished in all newspapers of original publication when an applicant substantively amends an application for a transfer of a water right subsequent to publication of the notice, or when the publication contains a substantive error or omission occurs in the publication. All parties who were sent the original application as required by WAC 173-153-070(22) and/or the original public notice must be sent corrected copies of any amended transfer application and/or an amended public notice. For the purposes of this subsection, the term "substantive error or omission" for publication purposes, refers to any item identified in subsection (1) of this section that is omitted from or inadequately characterized in the public notice. An application is considered substantively amended if it expands the intent of the original proposal or results in a substantial change, such as an alteration to the proposed point of diversion or withdrawal, proposed purpose(s) of use, or to the proposed place of use.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-080, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-080, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-080, filed 11/17/99, effective 12/18/99.]

WAC 173-153-090 How can protests and letters of concern or support on a water right transfer application be submitted to a board?

Where is a protest submitted regarding a water right transfer application before a board?

(1) A protest against granting a proposed water right change or transfer, as identified in RCW 90.03.470(12), must be received by ecology, with the statutory protest fee, within thirty days of the last date of publication of the public notice.

(2) Ecology shall provide a copy of the protest to the appropriate board within five days of receipt of the protest.

(3) In accordance with WAC 508-12-170 and 508-12-220, a board will thoroughly investigate all pertinent protests of a transfer application before the board.

(4) Ecology shall consider all pertinent protests during its review of the board's record of decision on the application.

(5) Persons inquiring of the board or ecology regarding protest procedures shall be directed to file the protest with ecology.

(6) A board must immediately forward to ecology any protests it receives including the statutory protest fee.

What is included in a valid protest?

(7) A protest must include:

- (a) The name, address and phone number (if any) of the protesting party;
- (b) Clear identification of the transfer application being protested; and
- (c) A statement identifying the basis for the protest.
- (d) The statutory protest fee.

What is the difference between a protest and a letter of concern or support?

(8) Any protest received more than thirty days after the last date of publication of the public notice, or without the required fee, will be filed as a letter of concern.

(9) A letter of support is any comment addressing the benefit of the project proposed in an application.

(10) A party who provides a letter of concern or support regarding an application to a water conservancy board is not considered to be a protesting party unless the party has also filed a valid protest with ecology in compliance with this section.

Will a protest or letter of concern be considered?

(11) Boards must accept and consider any oral or written comments or protests in evaluating an application, in accordance with chapter 90.80 RCW, this chapter, and board bylaws.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-090, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-090, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-090, filed 11/17/99, effective 12/18/99.]

WAC 173-153-100 How does a water conservancy board operate?

(1) Water conservancy board meetings must be in compliance with the Open Public Meetings Act, chapter 42.30 RCW. Additionally, minutes of the meetings must be recorded pursuant to chapter 42.32 RCW and such minutes must be made available for public review upon request.

(2) At the beginning of any meeting or hearing in which any application to change or transfer a water right is to be discussed, or upon which a decision is to be made, those individuals in attendance must be informed that any known allegations of conflict of interest must be expressed in that meeting or hearing or their right to do so may be forfeited in accordance with RCW 90.80.120 (2)(a).

(3) A board may adopt and amend its own bylaws through which board meetings, operations, and processes are governed.

How can a board be contacted by the public?

(4) Each board must designate at least one primary contact person for communicating with ecology and other entities. The board must inform the water conservancy board coordinator of:

- (a) The name of the primary contact;
- (b) How to contact that person; and
- (c) Any changes to the contact information for the primary contact of the board.

(5) Boards are subject to the Public Records Act, chapter 42.17 RCW and as described in RCW 90.80.135.

[Statutory Authority: RCW 90.80.040, 03-01-039 (Order 01-13), § 173-153-100, filed 12/9/02, effective 1/9/03.]

WAC 173-153-110 What is involved in the examination of an application before a board?

(1) Boards shall base their records of decision and reports of examination regarding a transfer application on applicable state laws and regulations. In addition to specific water law, boards must also consult and consider other relevant state laws, including, but not limited to, the Growth Management Act (chapter 36.70A RCW).

(2) Generally, a board should conduct a field examination of the site(s) identified in the transfer application, and clarify any unclear information by contacting and discussing the information with the applicant or other appropriate persons.

(3) All relevant information must be identified, discussed, and considered in the board's examination. This may include the need for a board to collect pertinent detailed hydrological or hydrogeological information regarding the site(s) involved in the proposal. Any person providing an engineering, hydrologic, geologic and/or hydrogeological analysis on behalf of an applicant with an application before a board must be licensed in accordance with chapter 18.43 or 18.220 RCW, as applicable. The analysis must be certified by the individual's professional stamp.

(4) A board may require an applicant to provide additional information at the applicant's expense, if that information is necessary to render an adequately informed record of decision on an application.

How are comments and protests considered during the examination of the water right transfer application?

(5) Boards may also request that commenters or protestors provide additional information regarding their comments if such information is necessary to render an adequately informed record of decision on an application. Boards may also discuss the concerns raised in comments and protests with the persons who filed them.

(6) Boards must consider all comments and protests received about a pending application, whether or not additional information is provided by the protestor or commenter.

(7) Ecology, as is the case with any public agency, may provide formal written or oral comments regarding the application under discussion at a public meeting of the board. However, if ecology does provide formal comments in the context of a public meeting, the comments shall not be taken as giving either technical assistance or direction to the board, any more than any other comments would be so considered.

What other entities should be consulted when a board examines an application?

(8) When public interest applies to the application evaluation or when there may be existing rights that could be impaired, boards shall determine whether an Indian tribe, watershed planning unit, or other governmental body is directly involved in planning or water management related to the source of water that would be affected by the application. If this is found to be the case, the board should consult the tribe, watershed planning unit, or other governmental body in the board's effort to obtain information concerning the application.

What other information must a board consider in its examination of the application?

(9) Boards must evaluate an application, including all information obtained by the board that is associated with the application, and determine whether or not the transfer as proposed is in accordance with applicable state laws and regulations. The board must also make a tentative determination as to the extent and validity of the water right proposed to be transferred, as well as whether the transfer can be made without injury or detriment to existing rights. The board must evaluate a transfer proposal pursuant to RCW 90.44.100 as to whether the proposed transfer is detrimental to the public interest. Public interest shall not be considered when deciding whether to grant an application for change pursuant to RCW 90.03.380 exclusively.

(10) Boards shall ensure that the requirements of the State Environmental Policy Act (SEPA), chapter 43.21C

RCW, and the SEPA rules, chapter 197-11 WAC, have been met before finalizing a record of decision. If a board concludes it is appropriate under WAC 197-11-922 through 197-11-944, the board may be the lead agency for SEPA compliance.

(11) A board shall consult with ecology if it encounters new, unusual, or controversial issues in the course of examining an application. Ecology will provide assistance as to how to proceed in accordance with existing state laws, rules, and current ecology policies and administrative practices.

(12) When a board receives an application to transfer a water right that is located in an area subject to an ongoing general water rights adjudication process, the board shall consult with ecology prior to taking any action on the application. Ecology will seek guidance from the pertinent superior court regarding the court's role in administering the water rights that are subject to the adjudication. Ecology shall then advise the board on whether and how the board may process applications.

[Statutory Authority: RCW 90.80.040, 03-01-039 (Order 01-13), § 173-153-110, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-110, filed 11/17/99, effective 12/18/99.]

WAC 173-153-120 What assistance is available to water conservancy boards? (1) The director, or his or her designee, shall assign a representative of ecology to be available to provide technical assistance to each board as provided in RCW 90.80.055 (1)(d).

(2) Upon request by a board, an ecology representative will provide technical assistance as the board:

- (a) Reviews applications for formal acceptance;
- (b) Prepares draft records of decision and reports of examination;
- (c) Considers technical factors; and
- (d) Considers legal factors affecting the board's development of a record of decision.

(3) A board may request and accept additional technical assistance from ecology.

(4) A board may also request and accept assistance and support from the government or governments of the county or counties in which it operates, as well as from other interested parties.

(5) Ecology recognizes that boards are independent entities with the legal right to make records of decision on water right transfer applications without seeking assistance from ecology. However, should a board desire assistance from ecology in processing an application or regarding its administrative functions, ecology will provide technical assistance upon request of the board. This technical assistance may address issues involved in application processing, including procedural requirements and administrative functions, and can include specific information regarding approaches to resolving particular issues. However, in deference to the independent status of boards, such technical assistance shall be solely in the form of guidance and shall not dictate or otherwise direct any board to reach a specific conclusion regarding any aspect of application processing or of a board's administrative functions.

(6) Technical assistance and training provided to a board is not subject to the Open Public Meetings Act.

[Statutory Authority: RCW 90.80.040, 03-01-039 (Order 01-13), § 173-153-120, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-120, filed 11/17/99, effective 12/18/99.]

WAC 173-153-130 How are records of decision and reports of examination made by a water conservancy board?

(1) Records of decision and reports of examination are adopted by a majority vote of a board, pursuant to RCW 90.80.070(4). A board's record of decision and report of examination must be in writing, and the record of decision and report of examination become part of the public record.

(2) When a board proposes to deny an application, in whole or in part, the board must issue to both the applicant and ecology a record of decision and report of examination denying the transfer, or a portion of the transfer, subject to review and final determination by ecology.

(3) When a board proposes to approve an application, the board must issue to both the applicant and ecology a record of decision and a report of examination approving the transfer, subject to review and final approval by ecology.

What is included in a record of decision?

(4) The record of decision must be prepared on a form provided by ecology and identified as the Record of Decision, form number 040-105, and must include the conclusion of the board as to whether the application is denied or approved and a record of the individual vote or abstention of each participating commissioner or that a commissioner has refused him or herself.

What is included in a report of examination?

(5) It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.

(6) The report of examination will consist of a form provided by ecology and identified as Water Conservancy Board Report of Examination, form number 040-106, documenting and summarizing the basic facts associated with the decision. This shall include:

(a) Within a section entitled "background":

(i) A description of the water right proposed for transfer, including the board-assigned water right change application number, and the board's tentative determination as to the validity and quantification of the right, as well as the historical water use information that was considered by the board;

(ii) An explanation of how the board complied with the State Environmental Policy Act; and

(iii) A description of any previous change decisions associated with the water right.

(b) Within a section entitled "comments and protests": A description of any protests, and written or oral comments, including:

(i) The names and addresses of the protestors or commenters;

(ii) A description of the issues raised; and

(iii) The board's analysis regarding each issue raised.

(c) Within a section entitled "investigation":

(i) A description of the project proposed by the applicant, including any issues related to development, such as the applicant's proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending applications for changes or transfers, and instream flows established under state law;

(ii) A narrative description of any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred;

(iii) If the proposed transfer is authorized under RCW 90.44.100, an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively;

(iv) Any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination;

(v) A description of the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions;

(d) Within a section entitled "conclusions": A list of conclusions that the board drew from the information compiled regarding the transfer proposal. Conclusions must, at a minimum, describe:

(i) Whether, and to what extent, a valid water right exists;

(ii) Any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in subsection (6)(d)(i) of this section;

(iii) The result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer;

(iv) The board's conclusions of issues raised by any comments and protests received;

(v) Whether the transfer proposal will impair existing rights of others; and

(vi) If the proposed transfer is authorized pursuant to RCW 90.44.100, whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively;

(e) Within a section entitled "decision": A complete description of the board's decision, fully and comprehensively addressing the entire application proposal;

(f) Within a section entitled "provisions":

(i) Any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations;

(ii) Any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision; and

(iii) A schedule for development and completion of the water right transfer, if approved in part or in whole, that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use.

(7) Ecology may request additional information from the water conservancy board regarding the application and the

board's decision, in addition to the requirements of subsection (6) of this section.

(8) A board's record of decision must clearly state that the applicant is not permitted to proceed to act on the proposal until ecology makes a final decision affirming, in whole or in part, the board's recommendation. However, if ecology does not act on a board's recommendation within the time frame established in RCW 90.80.080, the applicant is allowed to initiate the water right transfer pursuant to the board's record of decision after that period of time has expired. It is advised that the applicant not proceed until the appeal period of ecology's decision is complete, in compliance with WAC 173-153-180.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-130, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-130, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-130, filed 11/17/99, effective 12/18/99.]

WAC 173-153-140 What is the process for notifying parties of a record of decision and report of examination?

Who is notified of a board's record of decision and report of examination?

(1) Ecology shall identify to all boards the ecology designated regional representative for receipt of each board's records of decision. Boards shall hand deliver or send by mail records of decision and reports of examination to:

- (a) The applicant;
- (b) The ecology regional office;
- (c) Any person who protested the transfer;
- (d) Any person who requested notice of the board's record of decision;
- (e) Any tribe with reservation or trust lands contiguous with or wholly or partly within the area of jurisdiction of the board; and
- (f) Any commenting agency or tribe.

How is the record of decision and report of examination transmitted?

(2) Within fifteen business days of a board's decision, the board shall simultaneously mail a copy of the record of decision and the report of examination to all parties identified in subsection (1) of this section. A paper copy of the following shall simultaneously be mailed or delivered to the ecology designated regional representative:

- (a) The record of decision;
- (b) The report of examination;
- (c) The application;
- (d) Public notices; and
- (e) Attachments to the application.

The board shall state to the parties receiving the record of decision and report of examination that it has been simultaneously sent to ecology. Whenever boards have the capacity to do so, they must transmit a signed electronic copy of the record of decision and report of examination to the ecology regional office on the same day that copies of the decision are mailed or hand-delivered.

(3) As stated in WAC 173-153-130, boards must fully document their process of arriving at a record of decision regarding water right transfer applications. Once the board has concluded its work on a water right transfer application, the board must submit to ecology, within fourteen days after

the completion of ecology's review period, any remaining original documents not previously submitted to ecology in accordance with subsection (2) of this section, and any documents received or developed by the board related to its deliberations regarding the application upon which it has made a decision. All documents submitted shall be clearly marked with the board-assigned water right change application number on the water right transfer application pursuant to WAC 173-153-070(7). As noted, the original versions of these documents must be provided to ecology; copies are not acceptable for submission. These documents must be sent to the ecology regional office designated by ecology. The board may retain a copy of all of the above-mentioned documents. After the board completes its business on a water right transfer application, and upon submission to ecology of all records related to the application file, ecology shall be responsible for public records requests related to that file.

(4) Any comments received by a board regarding its record of decision within thirty days after ecology's final decision must be forwarded to ecology within five business days of the board's receipt of such comments by the board. For the purposes of this subsection, the term "receipt" refers to the act of a board commissioner or designated administrative support person for the board picking up the board's mail. These comments must be submitted by the board to the ecology regional office.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-140, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-140, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-140, filed 11/17/99, effective 12/18/99.]

WAC 173-153-150 What is ecology's review process of a board's record of decision?

(1) Upon receipt of a record of decision and report of examination, ecology shall document and acknowledge the date of receipt of such documents in writing to the issuing board. Ecology will post on its internet site, generally within five business days, the record of decision, documenting the vote and signature of all board commissioners who participated in the decision, and the report of examination. For boards with the capacity to send signed documents electronically, ecology will post the record of decision and the report of examination generally within three business days of receiving the electronic version. The posted document will be referenced by both the board-assigned application number and by the ecology-assigned application number.

How does ecology review the record of decision?

(2) Ecology will review all records of decisions made by water conservancy boards. Upon receipt of a record of decision made by a board, ecology will review:

- (a) The record of decision for compliance with state water laws and regulations;
- (b) The record developed by the board in processing the application; and
- (c) Any other relevant information.

(3) In reviewing a board's decision, ecology may consider any letters of concern or support received within thirty days of the date ecology receives the board's record of decision.

(4) Ecology will not evaluate the internal operations of a board as it reviews a board's record of decision. Exceptions are to the extent that such review is necessary to determine whether the board's decision was in compliance with state laws and regulations concerning water right transfers, including possible cases of a conflict of interest as identified in RCW 90.80.120.

What are ecology's potential review responses and how are the responses made?

(5)(a) Ecology may affirm, reverse, or modify the records of decision based upon the report of examination issued by boards.

(b) If ecology determines that a board's submitted decision was not adopted in accordance with WAC 173-153-130(1), which addresses the adoption of a decision by the board; WAC 173-153-050 (1) and (6), which address training requirements of board commissioners; RCW 90.80.070 (4) through (8), which address the minimum number of commissioners required to adopt a decision on an application and the requirements for an alternate commissioner to participate in the decision; or, RCW 90.80.055, which addresses additional board powers, the submitted record of decision, report of examination, and supporting documents shall be returned to the board without action. Ecology's forty-five-day review period shall not begin until the board has satisfied all requirements in the adoption of a record of decision listed in this subsection and resubmitted the decision in accordance with WAC 173-153-140.

(c) Ecology's decision will be made in the form of a written administrative order and must be issued within forty-five days of receipt of the board's record of decision by the ecology regional office, except that the forty-five-day time period may be extended an additional thirty days by ecology's director, or his or her designee, or at the request of the board or applicant in accordance with RCW 90.80.080. If ecology does not act on the record of decision within the forty-five-day time period, or within the extension period, the board's record of decision becomes final.

(6) Ecology may issue an order affirming a board's decision. If ecology modifies the record of decision made by a board, ecology shall issue and send to the applicant and the board an order containing its modification of the record of decision. The order shall specify which part(s) of the record of decision ecology has modified. If ecology reverses the record of decision by the board, ecology shall send the applicant and the board an order reversing the record of decision with a detailed explanation of the reasons for the reversal.

Under what conditions may ecology remand a record of decision to a board?

(7) Ecology may consider conflict of interest issues during its final review of a board's record of decision. In accordance with chapter 90.80 RCW, if ecology determines that a commissioner should have been disqualified from participating in a decision on a particular application under review, the director, or his or her designee, must remand the record of decision to the board for reconsideration and resubmission of the record of decision. Upon ecology's remand, the disqualified commissioner shall not participate in any further board review of that particular application.

(8) Ecology's decision on whether to remand a record of decision under this section may only be appealed at the same

time and in the same manner as an appeal of ecology's decision to affirm, modify, or reverse the record of decision after remand.

Can a board withdraw its record of decision from ecology?

(9) If ecology has not yet formally acted on a record of decision by a board, a board may withdraw the record of decision during the period allowed for ecology's review. If a board withdraws a record of decision, ecology shall remove the record of decision from its internet site and post a notice that the decision has been withdrawn. All of the associated documents submitted to ecology by the board with the record of decision will be returned to the board. A board may withdraw the record of decision under the following conditions:

(a) The board must follow chapter 42.30 RCW, the Open Public Meetings Act, in making a decision to withdraw the record of decision;

(b) The decision to withdraw the record of decision must be adopted by a majority of the quorum of the board; and

(c) The board must send a notice of withdrawal of a record of decision to ecology on a form provided by ecology and identified as Decision to Withdraw a Record of Decision, form number 040-107.

Who is notified of ecology's order relating to a record of decision?

(10) Ecology will send its order to all parties on the same day. The order must be sent by mail, within five business days of ecology reaching its decision, to:

(a) The board;

(b) The applicant;

(c) Any person who protested;

(d) Persons who requested notice of ecology's decision;

(e) The Washington department of fish and wildlife;

(f) Any affected Indian tribe; and

(g) Any affected agency.

What is the process should ecology fail to act on a record of decision?

(11) Except as specified in subsection (5) of this section, if ecology fails to act within the specified time after receipt of the board's record of decision, the board's record of decision becomes the final order of ecology. If a board concludes that the time allowed for ecology to issue its order has lapsed, the board shall notify ecology, the applicant, any protestors, and any parties that have expressed interest to the board about the application that the time period has lapsed. If ecology agrees that the review period has lapsed, ecology will send an order to the board, and all entities listed in subsection (10) of this section, stating that the record of decision is final. If ecology disagrees with the board's conclusion, ecology shall work with the board to establish the beginning date of the review period based upon the date of receipt of the record of decision and report of examination by the ecology regional office.

[Statutory Authority: RCW 90.80.040, 06-18-102 (Order 05-18), § 173-153-150, filed 9/6/06, effective 10/7/06; 03-01-039 (Order 01-13), § 173-153-150, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW, 99-23-101 (Order 98-11), § 173-153-150, filed 11/17/99, effective 12/18/99.]

WAC 173-153-160 When is a board-approved water right transfer that has been affirmed by ecology complete?

Who provides documentation of the transfer when it is completed?

(1) When an affirmed transfer has been completed and the transferred water right has been put to beneficial use, the person authorized to transfer the water right must submit satisfactory evidence to ecology showing the transfer has been completed in accordance with ecology's order authorizing the transfer of the water right. Upon verification of the extent of development as authorized, ecology will issue a change certificate, superseding permit, or a superseding certificate to the water right holder(s) to document that the approved transfer was accomplished. When evaluating the proposed water right transfer application, the board will consider and address in the report of examination any issues pertaining to completion of the development or the application of the water to a beneficial use of water as it is proposed to be changed.

Who receives a copy of the document identifying the perfection of the transfer approval?

(2) When a document, as described in subsection (1) of this section, is issued to the applicant, ecology shall provide a copy to the appropriate board for its records, if requested by the board. The document shall also be recorded, at the applicant's expense, by the county or counties in which the water is authorized for use.

What happens if the approved transfer is not completed within the development schedule or if the change authorization is canceled?

(3) If development of the approved transfer is not completed in accordance with the development schedule that accompanies the approval, extensions may be requested in accordance with RCW 90.03.320, and will be evaluated by ecology.

(4) If the person authorized to transfer a water right fails to accomplish the transfer in accordance with the authorization, or any subsequent extensions granted by ecology, and does not receive an extension from ecology, or fails to comply with the requirements of the transfer authorization, ecology will cancel the transfer authorization. Upon cancellation of the transfer authorization, ecology will evaluate the water right to make a tentative determination as to the present validity of the water right and the conditions under which the water right can legally be exercised.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-160, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-160, filed 11/17/99, effective 12/18/99.]

WAC 173-153-170 What are a board's reporting requirements? Boards are required to submit reports to ecology on their activities at the end of October of each year. The reports must be submitted to the water conservancy board coordinator on a form provided by ecology each year and must include information about board activities during the previous twelve months. The reports shall contain the following information:

Water right transfer application data:

(1) Information about applications to the board, to include:

- (a) The number of applications filed with the board, identified by water resources inventory area (WRIA);
- (b) The number of records of decision withdrawn from ecology by the board;
- (c) The number of records of decision approving or partially approving an application;
- (d) The number of records of decision denying an application;
- (e) The number of records of decision remanded back to the board from ecology;
- (f) The number of applications received by the board, distinguishing between requests to transfer surface water and ground water;
- (g) The number of applications to transfer a water right documented by a claim;
- (h) The number of applications to transfer a water right documented by a certificate;
- (i) The number of applications proposing transfer related to trust water;
- (j) The number of applications filed directly with the board, and the number transferred from ecology to the board; and
- (k) The number of hearings held within other counties other than the county or counties which established the board, when water rights were proposed to be transferred from one county to another.

Operational information about the boards:

- (2) Information about the operations of the board, to include:
 - (a) The chair of the board;
 - (b) The primary contact of the board;
 - (c) The board address, phone, and/or e-mail;
 - (d) The board commissioners' names and their terms of office;
 - (e) The regular meeting location, if any;
 - (f) The regular meeting schedule, if any;
 - (g) Any changes in membership of the board, including background and contact information for any new commissioners;
 - (h) Current fees and changes to previously set fees;
 - (i) Training received other than from ecology;
 - (j) Ownership of property by the board;
 - (k) Water marketing activities;
 - (l) Number of staff employed by the board, and number of staff that provide volunteer service to the board; and
 - (m) Any litigation in which the board is involved.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-170, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-170, filed 11/17/99, effective 12/18/99.]

WAC 173-153-180 What actions may be appealed under this chapter? Any person aggrieved by ecology's decision to approve or disapprove the establishment or restructuring of a board, or by an ecology order to affirm, reverse modify, or remand a record of decision made by a board, may appeal the decision or order to the state pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-180, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80

RCW. 99-23-101 (Order 98-11), § 173-153-180, filed 11/17/99, effective 12/18/99.]

WAC 173-153-190 Existing rights are not affected. Nothing in this chapter is intended to impair any existing water rights.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-190, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-190, filed 11/17/99, effective 12/18/99.]

WAC 173-153-200 Will ecology review this chapter in the future to determine if changes are necessary? This chapter may be reviewed by ecology whenever new information, changing conditions, or statutory modifications make it prudent to consider revisions. In carrying out such a review, ecology shall consult with existing boards.

[Statutory Authority: RCW 90.80.040. 03-01-039 (Order 01-13), § 173-153-200, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. 99-23-101 (Order 98-11), § 173-153-200, filed 11/17/99, effective 12/18/99.]

Chapter 173-154 WAC

PROTECTION OF UPPER AQUIFER ZONES

WAC

173-154-010	Background.
173-154-020	Purpose.
173-154-030	Authority.
173-154-040	Definitions.
173-154-050	Protection of upper aquifer zones.
173-154-060	Inspections and tests.
173-154-070	Rehabilitation of withdrawal facilities.
173-154-080	Deepening of withdrawal facilities.
173-154-090	Applicability.
173-154-095	Enforcement.
173-154-100	Appeals.
173-154-105	Regulation review.
173-154-110	Existing laws and regulations not affected.

WAC 173-154-010 Background. In many parts of the state ground water aquifers exist at various depths below land surface. Such aquifers or groups of such aquifers may demonstrate a natural hydraulic separation to a significant degree over local or regional areas as evidenced, in part, by differing hydraulic heads and variable responses to pumping stress. The upper aquifer or upper aquifer zone often will not yield water in sufficient or sustainable quantities for uses which require a large volume of water. Therefore, they have often been traditionally used for domestic water supplies, stockwatering and other uses that require only minimal water supplies and for which it is not cost effective to tap deeper aquifers. Further, the uppermost aquifers also commonly contribute to spring and stream flows. In some cases, the withdrawal of water from the lower aquifers causes the depletion of the upper aquifers through cascading waters or simultaneous withdrawals from both upper and lower aquifers, and in such cases, poor quality waters from one zone can also contaminate a different aquifer zone.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-010, filed 5/29/85.]

WAC 173-154-020 Purpose. The purpose of this chapter is to establish and set forth the policies and procedures of the department of ecology in regard to the protection of the

occurrence and availability of ground water within the upper aquifers or upper aquifer zones where there are multiple aquifer systems. Consistent therewith, the department shall manage the state's ground water resources in a manner that protects, to the extent practicable, the upper aquifers of multiple aquifer systems from depletions, excessive water level declines or reductions in water quality, and which recognizes that the highest and best use of the waters of limited capacity aquifers may be for domestic, stockwater and other similar uses and for the preservation of spring and stream flows.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-020, filed 5/29/85.]

WAC 173-154-030 Authority. This chapter is promulgated by the department of ecology pursuant to chapters 18.104, 43.21A, 90.44 and 90.54 RCW.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-030, filed 5/29/85.]

WAC 173-154-040 Definitions. For the purposes of this chapter the following definitions shall apply:

(1) "Department" means the Washington state department of ecology.

(2) "Ground water right" means an authorization to use ground water established pursuant to chapter 90.44 RCW, state common or statutory law existing prior to the enactment of chapter 90.44 RCW, or federal law.

(3) "Withdrawal facilities" means and includes any well, infiltration trench or other excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed, together with the casing, screen, pump, pump column, motor and related equipment which is used for the withdrawal of ground water.

(4) "Aquifer" means any geologic formation that will yield water to a well or other withdrawal facilities in sufficient quantity for beneficial use.

(5) "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

(6) "Multiple aquifer system" means any geologic formation(s) which contains distinct aquifers at different depths that exhibit a significant degree of local or regional hydraulic separation.

(7) "Upper aquifer zone" means all aquifers within a multiple aquifer system lying between the land surface and a depth or geologic formation, as determined by the department consistent with the purposes of this chapter, or as set forth in the ground water subarea management program for the area, if one exists.

(8) "Lower aquifer zone" means any aquifers occurring at a depth below the upper aquifer zone, as determined by the department, or as set forth in the ground water subarea management program for the area, if one exists.

(9) "Cascading waters" means any ground waters which fall or flow through a well or other withdrawal facilities, from one ground water aquifer to another.

(10) "Rehabilitation of withdrawal facilities" means the work necessary to reconstruct or modify existing withdrawal facilities in order to bring them into conformance with appli-

cable laws, regulations, permit or certificate provisions and orders of the department.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-040, filed 5/29/85.]

WAC 173-154-050 Protection of upper aquifer zones.

In any multiple aquifer system, where the department determines that the uppermost aquifers or upper aquifer zone will not sustain large volume ground water withdrawals without exceeding the safe sustaining yield or causing (1) adverse effects to existing water rights, (2) an unreasonable drop in the water table, (3) permanent damage to the aquifer through depletion of the aquifer or zone, (4) an impairment of the beneficial use of the ground waters arising from a modification of the water quality, or (5) depletions of spring or stream flows, the department shall require new or additional large volume withdrawals to be restricted to a lower aquifer zone. Permits for withdrawals of water from such lower aquifer zones may specify an approved manner of construction of the withdrawal facilities, including but not limited to, a minimum and maximum well depth, specific casing and sealing requirements, and the construction of monitoring wells for the purpose of periodic measurements in areas where the aquifers cannot be readily monitored through the use of existing wells.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-050, filed 5/29/85.]

WAC 173-154-060 Inspections and tests. The department may require inspections and/or tests of withdrawal facilities prior to their use in order to ensure compliance with any construction requirements imposed by the department pursuant to this chapter. Such inspections and tests shall be performed at the expense of the holder of the permit, except that there shall be no charge for any portions of such tests or inspections which are performed by department employees. If it is the determination of the department that the facilities are not properly constructed or that the facilities may adversely affect the upper aquifers or upper aquifer zone, the department may (1) require further construction and/or testing of the facilities, or (2) require abandonment of the facilities in accordance with chapter 173-160 WAC, or (3) revoke the permit.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-060, filed 5/29/85.]

WAC 173-154-070 Rehabilitation of withdrawal facilities. The department may require the rehabilitation of existing withdrawal facilities if it finds that the facilities were not constructed or are presently not in accordance with the permit provisions, if any, or the applicable laws and regulations of the department which were in effect at the time of construction of the facilities, and that the withdrawal of waters from such facilities will adversely affect the upper aquifers or upper aquifer zone. The department shall allow a reasonable period for completion of such rehabilitation.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-070, filed 5/29/85.]

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WAC 173-154-080 Deepening of withdrawal facilities. At any time that the holder of a valid ground water right proposes to deepen a withdrawal facility, the modification of the facility shall be made in such a manner as to preclude the occurrence of cascading waters. Such a facility shall not be deepened to tap a different body of public ground water, or a different aquifer zone where such zones have been determined by the department, without further appropriate authorization from the department.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-080, filed 5/29/85.]

WAC 173-154-090 Applicability. The provisions of this chapter shall apply to all ground water rights under state jurisdiction, except that WAC 173-154-050 and 173-154-060 shall apply only to permits issued or other ground water rights established subsequent to the effective date of this chapter and to withdrawal facilities which are the subject of an application for change of water right filed pursuant to RCW 90.44.100 subsequent to the effective date of this chapter.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-090, filed 5/29/85.]

WAC 173-154-095 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-154-095, filed 6/9/88.]

WAC 173-154-100 Appeals. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-154-100, filed 6/9/88. Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-100, filed 5/29/85.]

WAC 173-154-105 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-154-105, filed 6/9/88.]

WAC 173-154-110 Existing laws and regulations not affected. Nothing in this chapter shall be construed to limit in any manner the authority of the department to administer and enforce the existing water resources laws of the state, including but not limited to chapters 18.104, 90.03, 90.36, 90.44, 90.48 and 90.54 RCW, and regulations promulgated thereunder.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-110, filed 5/29/85.]

Chapter 173-157 WAC
UNDERGROUND ARTIFICIAL STORAGE AND
RECOVERY

WAC**PART I INTRODUCTION**

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PART II APPLICATION PROCESS

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PART III APPLICATION REVIEW PROCESS

- 173-157-200 How will the department issue reservoir permits and/or secondary permits for ASR projects?
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PART I INTRODUCTION**WAC 173-157-010 What is the purpose of this rule?**

The purpose of this rule is to establish the standards for review of applications for underground artificial storage and recovery projects and, when necessary, to identify options for mitigation of potential adverse impacts to ground water quality or the environment. The rule also outlines the process the department of ecology will use to evaluate applications and issue permits to artificially store water in underground geological formations and subsequently recover it for beneficial use.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-010, filed 1/15/03, effective 2/15/03.]

WAC 173-157-020 What is the authority for this rule? In 2000, the Washington state legislature passed Engrossed Second Substitute House Bill 2867 (E2SHB 2867), which amended chapters 90.03 and 90.44 RCW. This bill expanded the definition of "reservoir" in RCW 90.03.370 to include "any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project." Projects of this type are more commonly known as "aquifer storage and recovery" or "ASR" projects. The legislation directed the department to adopt rules establishing the "standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project." The department of ecology promulgates this rule under the authorities provided in chapter 34.05 RCW and RCW 90.03.370.

(2007 Ed.)

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-020, filed 1/15/03, effective 2/15/03.]

WAC 173-157-030 To whom does this rule apply?

This rule applies to any firm, association, water users' association, corporation, irrigation district, municipal corporation, or anyone else that intends to obtain a reservoir permit to develop an underground artificial storage and recovery project pursuant to RCW 90.03.370. This chapter does not apply to projects utilizing irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-030, filed 1/15/03, effective 2/15/03.]

WAC 173-157-040 What are the meanings of words and phrases used in this rule? "Aquifer storage and recovery project," "ASR project," or "underground artificial storage and recovery project" means those projects where the intent is to artificially store water in an underground geological formation through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water.

"Artificial recharge" means either controlled subsurface addition of water directly to the aquifer or controlled application of water to the ground surface for the purpose of replenishing the aquifer.

"Beneficial use" includes, among others, uses for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production, municipal, and preservation of environmental and aesthetic values.

"Confined aquifer" means an aquifer where the permeability of the beds above and below the aquifer is significantly lower than the aquifer itself.

"Department" means the Washington department of ecology.

"DOH" means the Washington department of health.

"Hydraulic continuity" means the existence of some degree of interconnection between two or more sources of water, either surface water and ground water or two ground water sources.

"Hydrogeology" means the study of the geologic aspects of subsurface waters.

"Normative flow" means a flow that resembles the natural flow sufficiently enough to sustain all life stages of several species native to the state of Washington, including salmonid populations.

"Permeability" means the ability for a fluid to be transmitted in porous rock, sediment, or soil.

"Piezometric elevation" means the static level to which the water from a given aquifer will rise under its full head.

"RCW" means the Revised Code of Washington.

"Receiving aquifer" or "reservoir" means any portion of a naturally occurring underground geological formation in which the source water will be collected and stored for a future beneficial use as part of an ASR project.

"Reservoir permit" means a permit to artificially store water in underground geological formations and subsequently recover it for beneficial use.

"SEPA" means the State Environmental Policy Act, chapter 43.21C RCW.

"Secondary permit" means a permit for the appropriation of ground water which was artificially stored in underground geological formations for subsequent beneficial use.

"Source water" means water that will be stored in a receiving aquifer.

"Stored water" means water that has been stored in a receiving aquifer pursuant to a reservoir permit issued in accordance with the provisions of this chapter.

"Transmissivity" is a measure of the rate which water passes through the geologic material within an aquifer.

"UIC" means the Underground Injection Control program, which was created by the U.S. Environmental Protection Agency pursuant to federal legislation (the Safe Drinking Water Act) and is administered by the department's water quality program.

"Vadose zone" means within the zone of aeration, i.e., water vapor above the saturation zone within an aquifer.

"WAC" means Washington Administrative Code.

"WDFW" means the Washington department of fish and wildlife.

"You" and **"I"** means any firm, association, water users' association, corporation, irrigation district, municipal corporation, or anyone else that intends to obtain a reservoir permit to develop an underground artificial storage and recovery project pursuant to RCW 90.03.370.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-040, filed 1/15/03, effective 2/15/03.]

WAC 173-157-050 What authorization is required for an ASR project? The following permits or authorizations are required:

(1) **Water rights to source waters.**

(a) Any source water you use as part of a project by diverting from a state watercourse or withdrawing state ground waters, must be obtained under a valid water right permit, certificate, or registered water right claim.

(b) The underlying water right specifies authorized uses. Any proposal to use stored water for different uses will require issuance of a secondary permit.

(2) **Reservoir permit.** When proposing to collect and store water in a naturally occurring underground geological formation for subsequent use as part of an ASR project, you must apply for a reservoir permit in accordance with the provisions of RCW 90.03.370 (2)(a).

(3) **Secondary permit.** You must apply for a secondary permit in accordance with the provisions of RCW 90.03.370 if you propose to apply the water stored in a reservoir to a beneficial use, except that you are not required to apply for a secondary permit if you already have a water right for the source water that authorizes the proposed beneficial use.

(4) **UIC registration.** All UIC wells to be utilized as part of an ASR project must be registered with the department in accordance with the provisions of chapter 90.48 RCW. Additionally, the construction and technical aspects of the injection wells must abide by UIC regulations as stated in chapter 173-160 WAC.

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(5) **NPDES permit.** Discharges to surface water must meet water quality standards set forth in chapter 173-201A WAC to protect aquatic life.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-050, filed 1/15/03, effective 2/15/03.]

PART II APPLICATION PROCESS

WAC 173-157-100 What should I know before I apply? (1) You must assess potential impacts to the hydrogeologic system and the environment prior to submitting your application. If your application does not describe the general setting and conditions with sufficient information for the department to assess the application, the department may require you to perform a detailed feasibility study. This feasibility study should reduce uncertainty of the impacts, and better quantify the available storage capacity of the aquifer.

(2) To further reduce uncertainty, you must design a pilot phase for the project, to be used to collect data that will be used to validate the conceptual model, monitor efficacy, and adjust the monitoring, operation, and mitigation plans based upon results. The duration of this phase will be determined by the complexity of the project and stated within the reservoir permit.

(3) You may schedule a preapplication meeting with the department to discuss the project plan and likely requirements for monitoring and mitigation.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-100, filed 1/15/03, effective 2/15/03.]

WAC 173-157-110 What types of information will I need to provide as part of my application? Your application for an ASR project must contain, at a minimum:

(1) A description (conceptual model) of the hydrogeologic system (see WAC 173-157-120) prepared by a hydrogeologist licensed in the state of Washington.

(2) A project operation plan (see WAC 173-157-130) with a description of the pilot and operational phases of the ASR project prepared by an engineer or geologist licensed in the state of Washington.

(3) A description of the legal framework (see WAC 173-157-140) for the proposed project.

(4) An environmental assessment and analysis (see WAC 173-157-150) of any potential adverse conditions or potential impacts to the surrounding ecosystem(s) that might result from the project, along with a plan to mitigate such conditions or impacts.

The environmental assessment will establish whether a determination of nonsignificance or an environmental impact statement is required per SEPA regulations.

(5) A project mitigation plan (see WAC 173-157-160), if required.

(6) A project monitoring plan (see WAC 173-157-170).

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-110, filed 1/15/03, effective 2/15/03.]

WAC 173-157-120 What must I include in the hydrogeologic system description? Your hydrogeologic system description must include a conceptual hydrogeologic model that describes:

(1) The aquifer targeted for storage, to include at a minimum estimates for:

- (a) Lateral and vertical extent;
 - (b) Whether the aquifer is confined or unconfined;
 - (c) Permeability;
 - (d) Total storage volume available;
 - (e) Effective hydraulic conductivity;
 - (f) Transmissivity; and
 - (g) Potential for physio-chemical changes in the aquifer or vadose zone as a consequence of recharge.
- (2) The estimated flow direction(s) and rate of movement.

(3) The anticipated changes to the ground water system due to the proposed ASR project.

(4) The estimated area that could be affected by the project.

(5) The general geology in the vicinity of the proposed project, including stratigraphy and structure.

(6) The locations of existing documented natural hazards that could be affected or exacerbated by the project, such as landslide-prone areas or areas of subsidence along with a plan to mitigate such conditions or impacts.

(7) The locations of surface waters such as springs, creeks, streams or rivers that could be affected by the ASR project.

(8) The locations of all wells or other sources of ground water of record within the area affected by the project.

(9) The chemical and physical composition of the source water(s) and their compatibility with the naturally occurring waters of the receiving aquifer.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-120, filed 1/15/03, effective 2/15/03.]

WAC 173-157-130 What must I include in the project operation plan? Your project operation plan should include, at a minimum, the following information:

(1) The quantity and times of year source water is available for recharge.

(2) The proposed rate of injection and withdrawal of water.

(3) The length of time the water is proposed to be stored.

(4) The location, number, and capacity of proposed recharge wells or infiltration basins, and recovery facilities.

(5) Any variability in quality and reliability of the source water.

(6) A description of any water treatment method(s) you will use at the time of injection and recovery to ensure compliance with the water quality standards set forth in chapter 173-200 WAC, as well as the department's antidegradation policy.

(7) Any plans to discharge ASR water to a surface body should include information on the quantity, timing, duration, and water quality parameters such as chlorine, pH and dissolved oxygen of the ASR discharge water.

(8) Any operation and maintenance plans to discharge ground water and suspended sediment from the ASR well shall provide information on the quantity, duration, quality, and means of discharge.

(9) Destination(s) and permitting for water used for operation and maintenance (e.g., flushing water).

(2007 Ed.)

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-130, filed 1/15/03, effective 2/15/03.]

WAC 173-157-140 What must I include in the description of the legal framework? Your description of the legal framework should include, at a minimum:

(1) Documentation of the water rights for the source waters intended to be stored for the proposed ASR project.

(2) A list of other water rights within the ASR project area.

(3) Instream flows established by the department or stream closures in the vicinity of the point of diversion/withdrawal of the source water and/or within the ASR project area.

(4) Ownership and control of any facilities to be used for the proposed project.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-140, filed 1/15/03, effective 2/15/03.]

WAC 173-157-150 What must I include in the environmental assessment and analysis? Your environmental assessment and analysis must, at a minimum, describe:

(1) The environment within the ASR project area, including:

(a) Proximity to contaminated areas;

(b) Present and prior land use(s) within the ASR project area;

(c) Location(s) of historical or existing wetland habitat(s);

(d) Location(s) of historical or existing flood plain(s);

(e) Location(s) of historical or existing surface water body or spring, including documented:

(i) Base flows;

(ii) Seven-day low flows;

(iii) Maximum flows.

(2) Adverse impacts to the surrounding environment by the ASR project, including, but not limited to:

(a) Slope stability;

(b) Wetland habitat;

(c) Flood plain;

(d) Ground deformation;

(e) Surface water body or spring.

(3) If an environmental assessment has already been performed for the purposes of this specific ASR project, the application may simply refer to that documentation and need not repeat that analysis.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-150, filed 1/15/03, effective 2/15/03.]

WAC 173-157-160 What must I include in the project mitigation plan? Your project mitigation plan, if necessary, must be reviewed and approved or prepared by an appropriately experienced engineer licensed in the state of Washington. The mitigation plan shall prescribe actions to be taken to prevent adverse impacts to the environment and methods for evaluation of the effectiveness of these actions.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-160, filed 1/15/03, effective 2/15/03.]

WAC 173-157-170 What must I include in the project monitoring plan? Your project monitoring plan,

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which will be utilized to evaluate and verify the assumptions in the conceptual model, during the pilot and operational phases, must include the following:

(1) Proposed time intervals for sampling and subsequent reporting.

(2) Descriptions of measurement methodology, threshold values, and evaluation techniques for the following criteria:

(a) The quality of the source and receiving waters. This information must be provided for the period or periods of the year when the water will be stored. Testing must be done by a laboratory certified by either the department or DOH.

(b) The actual quantity of water injected.

(c) Changes in ground water piezometric elevations in the receiving aquifer.

(d) The percentage of the initial amount of stored water that is recoverable after varying lengths of storage time to validate the estimates of the amount of stored water that is actually recovered.

(e) Data necessary to evaluate the effectiveness of required mitigation.

(f) Other data you or the department determine necessary for monitoring the ASR project and adverse impacts.

You must provide a report of the monitoring data, at least annually, to the department. Based on the complexity of the project, the department may require you to comply with a more frequent reporting schedule. The required reporting frequency will be specified in the reservoir permit.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-170, filed 1/15/03, effective 2/15/03.]

WAC 173-157-180 Where do I submit my application for a reservoir and/or secondary permit? You must submit your application to the ecology water resources regional office that serves the area where your project would be located. Please refer to the department's web site for telephone numbers.

(1) The Northwest regional office serves Whatcom, Island, Kitsap, San Juan, Skagit, Snohomish, and King counties.

(2) The Southwest regional office serves Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pierce, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, and Skamania counties.

(3) The Central regional office serves Okanogan, Chelan, Douglas, Kittitas, Yakima, Klickitat, and Benton counties.

(4) The Eastern regional office serves Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Grant, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-180, filed 1/15/03, effective 2/15/03.]

PART III APPLICATION REVIEW PROCESS

WAC 173-157-200 How will the department issue reservoir permits and/or secondary permits for ASR projects? (1) The department will process applications for permits for ASR projects in accordance with the provisions of RCW 90.03.250 through 90.03.320, RCW 90.03.370,

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chapter 173-152 WAC and this chapter. The department shall expedite processing applications for those projects that:

(a) Will not require a new water right for diversion or withdrawal of the water to be stored;

(b) Are adding or changing one or more purposes of use for the stored water;

(c) Are adding to the storage capacity of an existing reservoir; or

(d) Are applying for the secondary permit to secure use of water stored in an existing reservoir.

(2) The department shall give strong consideration to the overriding public interest in its evaluation of compliance with ground water quality protection standards.

(3) Any application considered under this chapter that may impact surface waters will be subject to review by the department, WDFW, DOH, and the appropriate Indian tribe(s), specifically to ensure that the following do not occur during ASR project injections or withdrawals:

(a) Alteration of the normative hydrograph which may result in adverse impacts to fish;

(b) Detrimental changes in temperature, nutrient, heavy metals, hydrocarbon, or other deleterious material levels during critical spawning and rearing periods;

(c) Disruption of natural downwelling or upwelling within stream during critical spawning and rearing periods; or

(d) Saturation of stream bank which could lead to erosion, bank failure, and excess sedimentation entering the stream which can alter stream chemistry, flow, and bed morphology.

Each ASR project application will be subject to public notice and comment per RCW 90.03.280. The department will consider any comments by the reviewers in evaluating the application.

(4) The department may issue a conditioned permit to prevent any long-term changes to the aquifer, or other adverse impacts to the environment. The conditioning will provide for a pilot phase of the project, to be used to collect data, monitor efficacy, evaluate the effectiveness of any mitigation plan approved under WAC 173-157-150, and adjust the ASR project or mitigation plan based upon pilot phase results.

(5) Permits will contain a schedule for:

(a) Development and completion of the project;

(b) Monitoring and reporting during the pilot and operational phases of the project.

(6) The department can, upon a showing of good cause, issue extensions for the permit in accordance with the provisions of RCW 90.03.320.

(7) Once sufficient information is developed and provided to the department to verify that the project is viable and the requirements of RCW 90.03.330 have been met, the department will issue proper documentation for the reservoir and secondary permit, if any, with the priority date or dates based on the underlying source water right.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-200, filed 1/15/03, effective 2/15/03.]

WAC 173-157-210 Can I appeal a decision made by the department on my application? Yes, all final written decisions of the department made on applications pursuant to

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this chapter are subject to review by the pollution control hearings board in accordance with the provisions of chapter 43.21B RCW if you comply with the requirements for appeal established by statute and rule.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-210, filed 1/15/03, effective 2/15/03.]

WAC 173-157-220 Can this regulation be reviewed or updated? Yes, the department may initiate a review of the rules established in this chapter whenever new information, changing conditions, statutory modifications, or other factors make it necessary or desirable to consider revisions.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-220, filed 1/15/03, effective 2/15/03.]

WAC 173-157-230 Where can I obtain copies of ecology statutes and regulations? Copies of statutes and regulations cited in this chapter may be obtained from the public records office at the department's headquarters office. You may also obtain copies by downloading documents from the department's internet site at <http://www.ecy.wa.gov> or copies of rules of the pollution control hearings board from the pollution control hearings board's internet site at <http://www.eho.wa.gov>.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. 03-03-081 (Order 02-06), § 173-157-230, filed 1/15/03, effective 2/15/03.]

Chapter 173-158 WAC FLOOD PLAIN MANAGEMENT

WAC

173-158-010	Authority.
173-158-020	Purpose.
173-158-030	Definitions.
173-158-040	Regulatory area.
173-158-045	Technical assistance.
173-158-050	Criteria for land management and use.
173-158-064	Additional state requirements.
173-158-070	Additional floodway requirements.
173-158-075	Existing farmhouse standards.
173-158-076	Substantially damaged residential dwellings other than farmhouses.
173-158-080	Wetlands management.
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173-158-086	Local option to exceed minimum requirements.
173-158-090	Penalties and enforcement.
173-158-120	Variances.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-158-060	Additional state requirements. [Statutory Authority: RCW 86.16.061. 89-07-022 and 90-06-059 (Order 88-57 and 88-57A), § 173-158-060, filed 3/7/89 and 3/6/90, effective 4/6/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-060, filed 5/4/88.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
173-158-100	Local compliance schedule. [Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-100, filed 5/4/88.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
173-158-110	State assumption of regulatory authority. [Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-110, filed 5/4/88.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

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WAC 173-158-010 Authority. This chapter is adopted pursuant to chapter 86.16 RCW as amended during the 1989 legislative session.

Note: Copies of all statutes, regulations, and other documents cited or referred to in this chapter may be viewed at the Department of Ecology, Mailstop PV-11, Olympia, Washington 98504.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-010, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-010, filed 5/4/88.]

WAC 173-158-020 Purpose. Chapter 86.16 RCW establishes statewide authority for flood plain management through the adoption and administration by local governments of regulatory programs which are compliant with the minimum standards of the National Flood Insurance Program (NFIP). Chapter 86.16 RCW also directs the department of ecology to establish minimum state requirements for flood plain management which equal the NFIP minimum standards; to provide technical assistance and information to local governments related to administration of their flood plain management ordinances and the NFIP; to provide assistance to local governments in identifying the location of the one hundred year (base) flood plain; and allows for the issuance of regulatory orders.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-020, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-020, filed 5/4/88.]

WAC 173-158-030 Definitions. For the purposes of this chapter the following definitions shall apply:

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "one hundred year flood."

"Best available information" means in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

"Designated floodway" means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the flood boundary/floodway map (FBFM) of a community's flood insurance study and is included in the community's flood damage prevention ordinance.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, extraction or drilling operations or storage of equipment or materials.

"Dwelling" means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants.

"Encroachment" means any alteration or development within the regulatory floodway that would result in any increase in flood levels during the occurrence of the base flood discharge.

"Existing farmhouse" means a farmhouse which was built prior to the adoption of the local flood insurance rate map and local ordinances implementing the NFIP.

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"Farmhouse" means a single family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; and/or
- The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the local ordinance.

"Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

"Replacement residential structure" means a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

"Residential structure" means a place in which one lives: Dwelling.

"Special flood hazard area" means an area subject to a base or one hundred year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, or V.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground. Manufactured homes are considered structures.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Substantial damage" means damage of any origin sustained by a structure where the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions; or
- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands have one or more of the following three attributes: At least periodically, the land supports predominantly hydrophytes; the substrate is predominantly undrained hydric soil; and the substrate is nonsoils and is saturated with water or covered by shallow water at some time during the growing season of each year.

[Statutory Authority: Chapter 86.16 RCW. 02-15-093 (Order 00-26), § 173-158-030, filed 7/16/02, effective 8/16/02. Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-030, filed 10/19/90, effective 11/19/90; 89-07-022 and 90-06-059 (Order 88-57 and 88-57A), § 173-158-030, filed 3/7/89 and 3/6/90, effective 4/6/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-030, filed 5/4/88.]

WAC 173-158-040 Regulatory area. The minimum regulatory area for state and local flood plain management regulations shall be those areas subject to a base (one hundred year) flood and designated as special flood hazard areas on the most recent maps provided by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP). Best available information shall be used if these maps are not available or sufficient as determined by the Federal Emergency Management Agency.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-040, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-040, filed 5/4/88.]

WAC 173-158-045 Technical assistance. The department of ecology shall provide technical assistance to local governments in the administration of their flood plain management ordinances. The department shall also assist counties, cities, and towns in identifying the location of the one hundred year flood plain, and petitioning the federal government to alter its designations of where the one hundred year flood plain is located if the federally recognized location of the one hundred year flood plain is found to be inaccurate.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-045, filed 10/19/90, effective 11/19/90.]

WAC 173-158-050 Criteria for land management and use. The standards and definitions contained in 44 CFR, Parts 59 and 60 for the National Flood Insurance Program are adopted as the minimum state standards by reference.

[Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-050, filed 5/4/88.]

WAC 173-158-064 Additional state requirements. State requirements may be established for specific flood plains that exceed the minimum federal requirements of the NFIP, in accordance with RCW 86.16.031(8) and the following:

(1) A written request must be submitted to the department of ecology by the affected county, city, or town to initiate the process.

(2) The location of the one hundred-year flood plain must be reexamined by the affected community and the department of ecology, and has been certified by the department as being accurate for the affected areas.

(3) The department of ecology shall negotiate with the affected community to determine the content of proposed additional requirements.

(4) The department of ecology shall notify the public of related public meetings and public hearings.

(5) The department of ecology must find that the proposed increased requirements are necessary due to local circumstances and general public safety.

(6) The area where the additional requirements apply is to be clearly identified.

(7) Additional state requirements shall be established as needed in accordance with the required state rule-making procedures.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-064, filed 10/19/90, effective 11/19/90.]

WAC 173-158-070 Additional floodway requirements. The following additional state requirements are established in accordance with RCW 86.16.041.

(1) Special flood hazard areas with designated floodways. In addition to those NFIP requirements for designated floodways, communities with designated floodways shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for: (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes which have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions shall not be included in the fifty percent determination in (b) of this subsection. A residential dwelling located partially within a designated floodway will be considered as totally within a designated floodway and must comply with this chapter. However, the floodway prohibition in this subsection does not apply to existing farmhouses in designated floodways that meet the provisions of WAC 173-158-075, or to residen-

tial dwellings other than farmhouses that meet the depth and velocity and erosion analysis provisions of WAC 173-158-076, or to structures identified as historical places.

(2) Special flood hazard areas without designated floodways. When a regulatory floodway for a stream has not been designated, the community may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3 (b)(3) and (4), and (c)(10) of the NFIP regulations.

[Statutory Authority: Chapter 86.16 RCW. 02-15-093 (Order 00-26), § 173-158-070, filed 7/16/02, effective 8/16/02. Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-070, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-070, filed 5/4/88.]

WAC 173-158-075 Existing farmhouse standards.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 shall be permitted subject to the following:

(1) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(2) There is no potential safe building site for a replacement farmhouse on the same farm site outside the designated floodway or the location requires close proximity to other structures in the farm operation in order to maintain the integrity and operational viability of the farm; in no case shall a replacement be located into an area with higher flood hazards in terms of depths, velocities and erosion;

(3) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

(4) A replacement farmhouse shall not exceed the total square footage of encroachment of the structure it is replacing;

(5) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;

(6) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum one foot higher than the base flood elevation;

(7) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;

(8) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and

(9) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

[Statutory Authority: Chapter 86.16 RCW. 02-15-093 (Order 00-26), § 173-158-075, filed 7/16/02, effective 8/16/02.]

WAC 173-158-076 Substantially damaged residential dwellings other than farmhouses. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the department, at the request of the local government, is authorized to assess the risk of harm to life and property posed by the specific conditions of the floodway. Based upon scientific analysis of depth, velocity, flood-related erosion and debris load potential, the department may exercise best professional judgment in recommending to the local permitting authority repair, replacement or relocation of a substantially damaged structure. The property owner shall be responsible for submitting to local government any information necessary to complete the assessment required by this section when such information is not otherwise available.

(1) Recommendation to repair or replace a substantially damaged residential structure located in the regulatory floodway shall be based on the flood characteristics at the site. In areas of the floodway that are subject to shallow and low velocity flooding, low flood-related erosion potential, and adequate flood warning time to ensure evacuation, the department may recommend the replacement or repair of the damaged structure. Any substantially damaged residential structure located in the regulatory floodway in a high risk zone based on the flood characteristics will not be recommended to be repaired or replaced. Flood warning times must be twelve hours or greater, except if the local government demonstrates that it has a flood warning system and/or emergency plan in operation. For purposes of this paragraph flood characteristics must include:

(a) Flood depths can not exceed more than three feet; flood velocities cannot exceed more than three feet per second.

(b) No evidence of flood-related erosion. Flood erosion will be determined by location of the project site in relationship to channel migration boundaries adopted by the local government. Absent channel migration boundaries, flood erosion will be determined by evidence of existing overflow channels and bank erosion.

At the request of local government, the department will prepare a report of findings and recommendations for local government concurrence on repair or replacement of substantially damaged residential structures located in the regulatory floodway.

Without a recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

(2) Before the repair, replacement, or reconstruction is started, all requirements of the National Flood Insurance Program, the state requirements adopted pursuant to RCW 86.16.031(8), and all applicable local regulations must be satisfied. In addition the following conditions must be met:

(a) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

(b) A replacement residential structure is a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

(c) Repairs or reconstruction or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

(d) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the base flood elevation.

(e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.

(f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.

(g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

[Statutory Authority: Chapter 86.16 RCW. 02-15-093 (Order 00-26), § 173-158-076, filed 7/16/02, effective 8/16/02.]

WAC 173-158-080 Wetlands management. Wetlands are areas of great natural productivity and hydrological utility, providing natural flood control, flood desynchronization, and flow stabilization of rivers and streams. The unrestricted use and development of wetlands will destroy many of these beneficial qualities which directly affect human health and safety during flood events. The piecemeal alteration and destruction of wetlands through draining, dredging, filling and other means has an adverse cumulative impact on their ability to reduce flood damages.

Communities should, to the maximum extent possible, seek to avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to ameliorate flooding impacts. Proposals for development within special flood hazard areas (base flood plains) should be reviewed for their possible impacts on wetlands located within the flood plain. Communities should ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm hazards.

Communities may request technical assistance from the department of ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention. Local wetlands management strategies can also be developed which will preserve these valuable areas.

[Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-080, filed 5/4/88.]

WAC 173-158-084 Submittal of local ordinances. Communities shall submit to the department of ecology and to the federal Emergency Management Agency (FEMA) regional office newly adopted or amended flood damage prevention ordinances to incorporate the requirements of chapter 86.16 RCW and this chapter. Such ordinances or amendments shall take effect thirty days from filing with the department.

ment unless the department disapproves such ordinance or amendment, in writing, within that time period. The department may disapprove any ordinance or amendment which does not comply with the requirements of the NFIP, or WAC 173-158-040, 173-158-064, or 173-158-070. The department will provide guidance and assistance to communities in preparation and review of draft ordinances upon request by the community.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-084, filed 10/19/90, effective 11/19/90.]

WAC 173-158-086 Local option to exceed minimum requirements. In accordance with RCW 86.16.045 a county, city, or town may adopt flood plain management ordinances or requirements that exceed the minimum federal requirements of the National Flood Insurance Program and the state requirements of this chapter without following the procedures provided in RCW 86.16.031(8) and WAC 173-158-064.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-086, filed 10/19/90, effective 11/19/90.]

WAC 173-158-090 Penalties and enforcement. (1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

[Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-090, filed 5/4/88.]

WAC 173-158-120 Variances. The variance procedure contained in 44 CFR, Part 60.6 and the local flood damage prevention ordinance shall apply to this chapter unless an activity or use is expressly prohibited therein.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-120, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-120, filed 5/4/88.]

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Chapter 173-160 WAC

MINIMUM STANDARDS FOR CONSTRUCTION AND MAINTENANCE OF WELLS

WAC

REQUIREMENTS THAT APPLY TO ALL WELLS

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PART ONE—GENERAL REQUIREMENTS FOR WATER WELL CONSTRUCTION

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173-160-361	Who may supervise the use of explosives?
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PART TWO—GENERAL REQUIREMENTS FOR RESOURCE PROTECTION WELL CONSTRUCTION AND GEOTECHNICAL SOIL BORINGS

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173-160-430	What are the minimum casing standards?
173-160-440	What are the equipment cleaning standards?
173-160-450	What are the well sealing requirements?
173-160-451	What are the minimum standards for direct push resource protection wells?
173-160-453	What are the minimum standards for construction of ground source heat pump borings?

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173-160-456	What are the minimum standards for construction of grounding wells?		3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-460	What is the decommissioning process for resource protection wells?	173-160-120	Design and construction—Sealing of consolidated formations. [Order 73-6, § 173-160-120, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-990	Well construction illustrations.		
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER		173-160-125	Appeals. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-125, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-020	General. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-020, filed 4/6/88; Order 73-6, § 173-160-020, filed 4/30/73.] Repealed by 98-13-112 (Order 98-05), filed 6/17/98, effective 7/18/98. Statutory Authority: Chapter 18.104 RCW.	173-160-130	Sealing of unconsolidated formations without significant clay beds. [Order 73-6, § 173-160-130, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-055	Well construction notification (start card). [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-055, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-135	Regulation review. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-135, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-060	Location of well site and access requirements. [Order 73-6, § 173-160-060, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-140	Sealing of unconsolidated formations with clay beds. [Order 73-6, § 173-160-140, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-065	Design and construction. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-065, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-150	Special sealing standards for artesian wells. [Order 73-6, § 173-160-150, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-070	Design and construction. [Order 73-6, § 173-160-070, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-160	Artificial gravel-packed wells—General. [Order 73-6, § 173-160-160, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-075	Design and construction—Sealing of casing—General. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-075, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-170	Sealing of artificial gravel-packed wells. [Order 73-6, § 173-160-170, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-080	Design and construction—Casing. [Order 73-6, § 173-160-080, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-180	Sealing of dug wells. [Order 73-6, § 173-160-180, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-085	Capping. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-085, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-190	Special standards for driven or jetted wells. [Order 73-6, § 173-160-190, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-090	Design and construction—Well completion—General. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-090, filed 1/10/79; Order 73-6, § 173-160-090, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-200	Upper terminal of well. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-200, filed 1/10/79; Order 73-6, § 173-160-200, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-09001	Recommended well diameters. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-09001, filed 1/10/79.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-205	Location of well site and access requirements. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-205, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-095	Relationship to other authorities. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-095, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-210	Capping. [Order 73-6, § 173-160-210, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-100	Design and construction—Sealing materials. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-100, filed 1/10/79; Order 73-6, § 173-160-100, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-215	Design and construction—Well completion—General. [Statutory Authority: Chapter 18.104 RCW. 89-15-017 and 90-07-016 (Orders 89-4 and 89-4A), § 173-160-215, filed 7/12/89 and 3/13/90, effective 8/12/89 and 4/13/90; 88-08-070 (Order 88-58), § 173-160-215, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-105	Comparable construction standards. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-105, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-220	Testing of well. [Order 73-6, § 173-160-220, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-160-110	Design and construction—Sealing of casing—General. [Order 73-6, § 173-160-110, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-225	Design and construction—Casing. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-225, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-160-115	Enforcement. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-115, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed	173-160-230	Testing of well—Access port or pressure gage. [Order 73-6, § 173-160-230, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
		173-160-235	Recommended well diameters. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-235, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.

173-160-240	Disinfection. [Order 73-6, § 173-160-240, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	
173-160-245	Design and construction—Sealing materials. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-245, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-325
173-160-250	Quality of drilling water. [Order 73-6, § 173-160-250, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-330
173-160-255	Design and construction—Sealing of consolidated formations. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-255, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-335
173-160-260	Pump installation. [Order 73-6, § 173-160-260, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-340
173-160-265	Sealing of unconsolidated formations without significant clay beds. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-265, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-345
173-160-270	Explosives. [Order 73-6, § 173-160-270, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-350
173-160-275	Sealing of unconsolidated formations with clay beds. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-275, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-355
173-160-280	Chemical conditioning. [Order 73-6, § 173-160-280, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-360
173-160-285	Special sealing standards for artesian wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-285, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-365
173-160-290	Abandonment or destruction of wells. [Statutory Authority: RCW 18.104.040(4), 79-02-010 (Order DE 78-22), § 173-160-290, filed 1/10/79; Order 73-6, § 173-160-290, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-370
173-160-295	Artificial gravel-packed wells—General. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-295, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-375
173-160-300	Abandonment or destruction of wells—Abandonment or destruction of drilled or jetted wells. [Order 73-6, § 173-160-300, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-380
173-160-305	Sealing of artificial gravel-packed wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-305, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-385
173-160-310	Abandonment or destruction of wells—Abandonment or destruction of gravel-packed wells. [Order 73-6, § 173-160-310, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-395
173-160-315	Sealing of dug wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-315, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.	173-160-405
173-160-320	Abandonment or destruction of wells—Abandonment or destruction of artesian wells. [Order 73-6, § 173-160-320, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.	173-160-415
		173-160-425
		58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
		Special standards for driven or jetted wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-325, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Abandonment or destruction of wells—Abandonment or destruction of dug wells. [Order 73-6, § 173-160-330, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
		Upper terminal of well. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-335, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Abandonment or destruction of wells—Plugging of test wells. [Order 73-6, § 173-160-340, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
		Testing of well. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-345, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Artificial recharge of ground water bodies. [Order 73-6, § 173-160-350, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
		Testing of well—Access port or pressure gage. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-355, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Special exemptions. [Order 73-6, § 173-160-360, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
		Disinfection. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-365, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Relationship to other authorities. [Order 73-6, § 173-160-370, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
		Quality of drilling water. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-375, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Comparable construction standards. [Order 73-6, § 173-160-380, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
		Pump installation. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-385, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Explosives. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-395, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Chemical conditioning. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-405, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Abandonment of wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-415, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
		Abandonment of wells—Abandonment of drilled or jetted wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-425, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.

- 173-160-435 Abandonment of wells—Abandonment of gravel-packed wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-435, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-445 Abandonment of wells—Abandonment of artesian wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-445, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-455 Abandonment of wells—Abandonment of dug wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-455, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-465 Abandonment of wells—Plugging of test wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-465, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-475 Artificial recharge of ground-water bodies. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-475, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-500 Design and construction—General. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-500, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-510 Design and construction—Surface protective measures. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-510, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-520 Design and construction—Casing. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-520, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-530 Design and construction—Cleaning. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-530, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-540 Design and construction—Well screen, filter pack, and development. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-540, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-550 Design and construction—Well seals. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-550, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
- 173-160-560 Abandonment of resource protection wells. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-560, filed 4/6/88.] Repealed by 98-08-032 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.

REQUIREMENTS THAT APPLY TO ALL WELLS

WAC 173-160-010 What is the purpose of this regulation? (1) These regulations are adopted under chapter 18.104 RCW, to establish minimum standards for the construction and decommissioning of all wells in the state of Washington.

(2) The following are excluded from these regulations:

(a) Any excavation that is not intended to locate, divert, artificially recharge, observe, monitor, dewater, or withdraw ground water except resource protection wells, ground source heat pump borings, grounding wells, and geotechnical soil borings.

(b) Any excavation for the purpose of obtaining or prospecting for oil, natural gas, minerals, products of mining, quarrying, inserting media to repressure oil or natural gas bearing formations, storing petroleum, natural gas, or other products, as provided in chapter 78.52 RCW.

(c) Injection wells regulated in chapter 173-218 WAC.

Exception: Injection wells used to withdraw ground water and remediation wells that are used to inject any substance to remediate, clean up, or control potential or actual contamination may be regulated by chapters 173-218 and 173-160 WAC.

(d) Infiltration or exfiltration galleries, trenches, ponds, pits, and sumps, except where the department determines that the intended use of the excavation meets a definition in RCW 18.104.020.

(e) Grounding wells and grounding rods that are installed to a depth of twenty-five feet or less.

(3) Under chapter 90.48 RCW, those excavations excluded in subsection (2)(a) through (d) of this section shall be constructed, maintained, and decommissioned to ensure protection of the ground water resource and to prevent the contamination and waste of that resource.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-010, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-010, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-010, filed 4/6/88; Order 73-6, § 173-160-010, filed 4/30/73.]

WAC 173-160-030 When will this regulation be reviewed? (1) The department of ecology shall initiate review of the rules established in this chapter:

(a) When new information, changing conditions, or statutory modifications make it necessary to consider revisions; or

(b) When statutes require the review of this regulation, whichever comes first.

(2) The technical advisory group (TAG) established under chapter 18.104 RCW shall assist the department in the development and revision of rules.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-030, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-030, filed 4/6/88; Order 73-6, § 173-160-030, filed 4/30/73.]

WAC 173-160-040 How does this regulation relate to other authorities? (1) Nothing in these regulations may be construed to waive any legal requirements of other state agencies or local governmental entities relating to well construction, nor may it preclude the adoption of more stringent minimum well construction standards by local government.

(2) Well contractors shall be familiar with all state and local well construction requirements, and existing and approved site plans, to include septic permits, for their job sites prior to initiating construction. Drillers working in counties that have delegated authority to inspect wells shall check with the county environmental health section for inspection

requirements. Drillers are required to obey all county notification and reporting requirements.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-040, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-040, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapters 34.05, 90.54, 18.104, 90.03 and 90.44 RCW. 91-23-093 (Order 91-27), § 173-160-040, filed 11/19/91, effective 12/20/91. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-040, filed 4/6/88; Order 73-6, § 173-160-040, filed 4/30/73.]

WAC 173-160-050 What are the department's enforcement options? The department may impose the sanctions that are appropriate under authorities vested in it, including:

- (1) The issuance of regulatory orders under RCW 43.27A.190;
- (2) Civil penalties under RCW 90.03.600 and 18.104.-155; and
- (3) Criminal penalties under RCW 18.104.160.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-050, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-050, filed 4/6/88; Order 73-6, § 173-160-050, filed 4/30/73.]

WAC 173-160-061 May I appeal the department's decision? (1) Yes. All final, written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made under this chapter are subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

(2) If you wish to appeal a decision of the department of ecology, you must appeal it before that board.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-061, filed 3/23/98, effective 4/23/98.]

WAC 173-160-071 May I appeal decisions made by delegated authorities? (1) Yes. Any person who feels aggrieved by a decision made by a local health district or county under delegated authority may appeal the decision to the department of ecology.

(2) The appeal must be made within thirty days of receipt of the decision.

(3) An appeal to the department shall contain at least the following information:

- (a) Name, address, and phone number of appealing party;
- (b) Copy of the decision under appeal;
- (c) A clear statement of what issues are disputed;
- (d) A clear statement of what relief the appellant is seeking.

(4) The department will consider the appeal, and either affirm, reverse, or modify the decision of the delegated authority. A written response shall be provided to the applicant and the delegated authority within thirty days of the department's receipt of the appeal.

(5) The department's decision is subject to review by the pollution control hearings board, in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-071, filed 3/23/98, effective 4/23/98.]

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WAC 173-160-073 How will the delegated authorities be evaluated? The department will, on an annual basis, review each of the local health jurisdictions or counties, inter-agency agreements. The review shall include an audit of the construction inspections, decommissioning inspections, enforcement activities, variance decisions, training needs, technical assistance, coordination with drillers and other driller interactions that occurred during the year. The review will also address the need to update or otherwise change portions of the delegation agreements.

The department will summarize the reviews into an annual report. The report will be completed no later than April 1 of each year. The completed report will be available to the public upon request and posted on the department's web site.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-073, filed 11/21/06, effective 12/22/06.]

PART ONE—GENERAL REQUIREMENTS FOR WATER WELL CONSTRUCTION

WAC 173-160-101 What are the general standards that apply to all water wells? The following minimum standards apply to all water wells constructed and decommissioned in the state of Washington. It is the responsibility and liability of the water well operator who constructs the well, the property owner, and the water well contractor, to take whatever measures are necessary to guard against waste and contamination of the ground water resources.

(1) It is necessary in some cases to construct and decommission wells with additional requirements beyond the minimum standards. Additional requirements may be necessary when the well is constructed or decommissioned adjacent to a known, or potential source of contamination. Examples of sources, or potential sources of contamination are found in the well siting section, WAC 173-160-171.

(2) Nothing in these regulations limits the department's authority to approve comparable alternative specifications for well construction as technology in the industry develops, or new and comparable methods of construction become known to the department.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-101, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-101, filed 3/23/98, effective 4/23/98.]

WAC 173-160-106 How do I apply for a variance on a water well? (1) When strict compliance with the requirements and standards of this chapter are impractical, any person may request a variance to the department from a regulation or regulations. The application for variance must propose a comparable alternative specification that will provide equal or greater human health and resource protection than the minimum standards. Application for a variance shall be made in writing and approved prior to the construction or decommissioning of the well.

(2) The variance application shall contain at least the following information:

- (a) Name, address, and phone number of the person requesting the variance;
- (b) Address of well site;

- (c) 1/4, 1/4, section, township, range;
- (d) The specific regulation(s) that cannot be followed;
- (e) The comparable alternative specification;
- (f) Justification for the request.

(3) At the department's discretion, the proponent may be required to provide additional technical information justifying the variance.

(4) The variance application will be evaluated, and a response will be given within fourteen days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a well failure resulting in a dry well or an unusable well. Driller convenience does not constitute an emergency.

(5) The emergency variance recipient must immediately follow up with a written notification to the department so that a permanent record is made of the variance.

(6) Local health districts or counties with delegated authority may grant variances under the provision chapter 18.104 delegated authority.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-106, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-106, filed 3/23/98, effective 4/23/98.]

WAC 173-160-111 What are the definitions of specific words as used in this chapter? (1) "Abandoned well" means a well that is unmaintained or is in such disrepair that it is unusable or is a risk to public health and welfare.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for measurement of the depth to water surface. An access port also means a removable cap.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the casing.

(4) "Aquifer" is a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer bounded above and below by confining or impermeable rock or soil layers, or rock or soil layers of distinctly lower permeability than the aquifer itself. The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a mixture of gravel or sand placed in the annular space around the liner, perforated pipe, or well screen. A gravel pack is used to reduce the movement of finer material into the well and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells, trenches, pits, and ponds.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the build-

ing and conveys it to the building sewer beginning two feet outside the building wall.

(10) "Building sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

(11) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(12) "Casing" is a pipe, generally made of metal or plastic, which is installed in the bore hole as part of the drilling process to maintain the opening. Casing may be utilized in either consolidated or unconsolidated formations and must meet the requirements of WAC 173-160-201.

(13) "Consolidated formation" means any geologic formation in which the earth materials have become firm and cohesive through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. An uncased bore hole will normally remain open in these formations.

(14) "Constructing a well" or "construct a well" means:

(a) Boring, digging, drilling, or excavating a well;

(b) Installing casing, sheeting, lining, or well screens, in a well;

(c) Drilling a geotechnical soil boring; or

(d) Installing an environmental investigation well.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(15) "Contamination" has the meaning provided in RCW 90.48.020.

(16) "Curbing" is a liner or pipe made of concrete, precast tile or steel installed in dug wells to provide an annular space between the well bore and the liner or pipe for sealing.

(17) "Decommissioning" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifer(s).

(18) "Department" means the department of ecology.

(19) "Design pumping rate" means the maximum pumping rate as determined by the well driller, without exceeding the department's policy on sand and turbidity.

(20) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a land slide, or protecting an aquifer.

(21) "Director" means director of the department of ecology.

(22) "Disinfection" or "disinfecting" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

(23) "Domestic water supply" is any water supply which serves a family residence(s).

(24) "Draw down" is the measured difference between the static ground water level and the ground water level induced by pumping.

(25) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.

(26) "Drilling log" means a water or resource protection well report.

(27) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(28) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(29) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the bore hole wall and the liner, perforated pipe, or well screen to prevent formation material from entering the well.

(30) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(31) "Ground source heat pump boring" means a vertical boring constructed for the purpose of installing a closed loop heat exchange system for a ground source heat pump.

(32) "Ground water" means and includes ground waters as defined in RCW 90.44.035.

(33) "Grounding well" means a grounding electrode installed in the earth by the use of drilling equipment to prevent buildup of voltages that may result in undue hazards to persons or equipment. Examples are anode and cathode protection wells.

(34) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to decommission wells.

(35) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

(36) "Liner" means a pipe inserted into a larger casing, or bore hole, after the drilling process has occurred, as a means of maintaining the structural integrity of the well. Liners may only be used in consolidated formations and must meet the requirements of WAC 173-160-201.

(37) "Maximum pumping rate" means the maximum pumping rate, as determined by the well driller, without exceeding the department's policy on sand and turbidity.

(38) "Operator" means a person who:

- (a) Is employed by a well contractor;
- (b) Is licensed under this chapter; or
- (c) Who controls, supervises, or oversees the construction of a well or who operates well construction equipment.

(39) "Owner" or "well owner" means the person, firm, partnership, copartnership, corporation, association, other entity, or any combination of these, who owns the property on which the well is or will be constructed or has the right to the well by means of an easement, covenant, or other enforceable legal instrument for the purpose of benefiting from the well.

(40) "Permeability" is a measure of the ease of which liquids or gas move through a porous material.

(a) For water, this is usually expressed in units of centimeters per second or feet per day. Hydraulic conductivity is a term for water permeability.

(b) Soils and synthetic liners with a water permeability of 1×10^{-7} cm/sec or less may be considered impermeable.

(41) "Pollution" has the meaning provided in RCW 90.48.020.

(42) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

(43) "PTFE" means polytetrafluoroethylene casing materials such as teflon. The use of the term teflon is not an endorsement for any specific PTFE product.

(44) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single-family residence and a system with four or fewer connections, all of which serve residences on the same farm.

(45) "PVC" means polyvinyl chloride, a type of thermoplastic casing or liner.

(46) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not affected by withdrawal of ground water.

(47) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the nominal size of the permanent casing) which is temporarily installed during well construction to maintain an annular space for later placement of the surface seal as described in WAC 173-160-275, 173-160-285, 173-160-305, and 173-160-315. The temporary surface casing shall be removed before well completion.

(48) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses, identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated. If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resource protection wells. A water right permit, preliminary permit, or temporary permit shall be obtained prior to constructing a test well unless the anticipated use of water is exempt as provided in RCW 90.44.050. A "test well" is a type of "water well."

(49) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(50) "Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(51) "Unconsolidated formation" means any naturally occurring, loosely cemented, or poorly consolidated earth material including such materials as uncompacted gravel, sand, silt and clay.

Alluvium, soil, and overburden are terms frequently used to describe such formations.

(52) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water. Water wells include ground source heat pump borings and grounding wells.

(53) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(54) "Water well report" means a document that describes how a water well, ground source heat pump, or grounding well was constructed or decommissioned and identifies components per the requirements of WAC 173-160-141.

(55) "Well alteration(s)" include(s): Deepening, hydrofracturing or other operations intended to increase well yields, or change the characteristics of the well. Well alteration does not include general maintenance, cleaning, sanitation, and pump replacement.

(56) "Well completion" means that construction has progressed to a point at which the drilling equipment has been removed from the site, or a point at which the well can be put to its intended use.

(57) "Well contractor" means a resource protection well contractor and water well contractor licensed and bonded under chapter 18.27 RCW.

(58) "Well driller(s)" or "driller(s)" is synonymous with "operator(s)."

(59) "Well" means water wells, resources protection wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

(60) "Well screen" means a device, usually made of plastic or metal that is capable of preventing unconsolidated or poorly consolidated geologic material from entering the well. The size of the material which is prevented from entering the well is predetermined and controlled by the screen opening or slot size of the screen. A well screen may include a riser pipe.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-111, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-111, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-111, filed 3/23/98, effective 4/23/98.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-160-121 What should I know about drilling wells that require water right permits? (1) Unless a ground water withdrawal is exempt from the permit requirements under RCW 90.44.050, a well cannot be drilled without the well owner first obtaining a water permit from the department authorizing the use of water from the well.

(2) The licensed operator must have a copy of the water right permit or certificate on site at all times.

(3) Every well that requires a permit shall be constructed to meet the provisions of that permit. Provisions may include:

- (a) Limitations on zones of completion.
- (b) Special sealing requirements.
- (c) Special casing and liner requirements.
- (d) Other specific construction and testing details.

(4) As provided in WAC 173-548-050, no water well may be constructed for any purpose in subbasins closed in the Methow water resources regulation:

- (a) Including those exempted from permitting under RCW 90.44.050;

(b) Unless written approval has been obtained from the department prior to beginning well construction.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-121, filed 3/23/98, effective 4/23/98.]

WAC 173-160-131 What should the well owner know about water metering? The department may require water users to measure the quantity of water withdrawn from wells, to record water use, and/or to report the water use information to the department. Until the department develops specific metering and reporting requirements, these requirements may be provided for in individual water permits or as otherwise ordered by the department for specific wells and ground water use.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-131, filed 3/23/98, effective 4/23/98.]

WAC 173-160-141 What are the requirements regarding water well reports? (1) Anyone who constructs or decommissions a well is required to submit a complete report on the construction, alteration, or decommissioning of the well to the water resources program within thirty days after completion of a well, or after the drilling equipment has left the site. Submission of well report to consulting firms does not meet the well contractor's obligation of this section.

- (a) This applies to all water wells.
- (b) The water well report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.
- (2) Where applicable the water well report must include, at least, the following information:
 - (a) Owner name; operator/trainee name; operator/trainee license number; contractor registration number, drilling company name;
 - (b) Tax parcel number;
 - (c) Well location address;
 - (d) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;
 - (e) Unique well identification tag number;
 - (f) Construction date;
 - (g) Start notification number;
 - (h) Intended use of well;
 - (i) The well depth, diameter, and general specifications of each well;
 - (j) Total depth of casing;
 - (k) Well head elevation;
 - (l) Drilling method;
 - (m) Seal material, seal location and type of placement used;
 - (n) Filter pack location; filter pack material used;
 - (o) The thickness and character of each bed, stratum or formation penetrated by each well, including identification of each water bearing zone;
 - (p) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;
 - (q) The tested capacity of each well in gallons per minute, and the test duration and draw down of the water level at the end of the capacity test;
 - (r) Recovery data;

(s) For each nonflowing well, the depth to the static water level, as measured below the land surface;

(t) For each flowing well, the shut-in pressure measured above the land surface, or in pounds per square inch at the land surface; and

(u) Water right permit or certificate number for all wells that are not exempt under RCW 90.44.050; and

(v) Such additional factual information as may be required by the department.

(3) The well report must show the license number and signature of the person who constructed the well. If this is an unlicensed person, exempted under RCW 18.104.180(2), the report shall show the license number and signature of the licensed operator who witnessed the drilling. Water well reports for wells constructed by trainees shall have the signature and license number of the trainee and the licensed operator.

(4) If a well report is missing, a new report may be generated. This report shall contain all physical components of the well and report all available information in accordance with this section. The report shall be signed by the individual collecting the physical information of the well. Submittal of this report does not relieve the person who constructed the well of their obligation to submit a complete well report under subsection (1) of this section.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-141, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-141, filed 3/23/98, effective 4/23/98.]

WAC 173-160-151 Does the department require prior notice and fees for well constructing, reconstructing, or decommissioning a water well? (1) Yes. The property owner, owner's agent, or water well operator shall notify the department of their intent to begin well construction, reconstruction-alteration, or decommissioning procedures at least seventy-two hours before starting work.

(2) The notice of intent is submitted on forms provided by the department and must contain the following:

(a) Well owner name;

(b) Well location; street address; county name, 1/4, 1/4 section, township, and range, and tax parcel number;

(c) Proposed use; (if the intended withdrawal requires a water right, the permit or certificate shall be attached to the notice of intent);

(d) Approximate start and completion dates;

(e) Contractor registration number;

(f) Operator/trainee name and license number; and

(g) Drilling company name.

(3) In an emergency, a public health emergency, or in exceptional instances, the department may allow verbal notification to the appropriate regional office, with a notice of intent and payment of fee submitted within twenty-four hours. An emergency situation may consist of a failing well, or water quality issues which could result in a public health or safety concern.

(4) The notice must be accompanied by the following fees which apply to all newly constructed or altered wells:

(a) The fee for one water well, other than a dewatering well, with a top casing diameter of less than twelve inches is

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two hundred dollars. This fee does not apply to a ground source heat pump boring or a grounding well.

(b) The fee for one water well, other than a dewatering well, with a top casing diameter of twelve inches or greater is three hundred dollars.

(c) The fee for a ground source heat pump boring or a grounding well is forty dollars for construction of up to four ground source heat pump borings or grounding wells per project and ten dollars for each additional ground source heat pump boring or grounding well constructed on a project with more than four wells.

(d) The combined fee for construction and decommissioning of a dewatering well system shall be forty dollars for each two hundred horizontal lineal feet, or portion of horizontal lineal feet, of the dewatering well system.

(e) The fee to decommission a water well is fifty dollars.

(f) The fee to decommission a ground source heat pump boring or a grounding well is twenty dollars.

(5) If drilling results in an unusable well (dry hole), there is no additional fee for a second attempt, provided:

(a) A subsequent attempt at constructing a new well is made immediately; and

(b) The unusable well(s) is properly decommissioned before drilling equipment leaves the well site; and

(c) The department is notified of all decommissionings; and

(d) A well report describing the decommissioning process is submitted to the department in accordance with this chapter.

(6) A new notice of intent and fee shall be required on all follow-up construction after the drilling equipment has left the drill site.

(7) A refund shall be made on any well that has not been constructed provided, a written request on an approved form is made by the person who paid the fee and is submitted to the department within six months from the date the notice and fee were received by the department.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-151, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-151, filed 3/23/98, effective 4/23/98.]

WAC 173-160-161 How shall each water well be planned and constructed? Every well must be planned and constructed so that it is:

(1) Adapted to those geologic and ground water conditions known to exist at the well site to insure utilization of any natural protection available;

(2) Not a conduit for contaminating the ground water or surface water nor a means of wasting water;

(3) Capable of yielding, where obtainable, the quantity of water necessary to satisfy the requirements the user has stated are needed and for which the well water is intended to be used.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-161, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-161, filed 3/23/98, effective 4/23/98.]

WAC 173-160-171 What are the requirements for the location of the well site and access to the well? (1) The

proposed water well shall be located on high ground that is not in the floodway.

(2) It shall be protected from a one hundred year flood and from any surface or subsurface drainage capable of impairing the quality of the ground water supply.

(3) All wells shall not be located within certain minimum distances of known or potential sources of contamination.

(a) Some examples of sources or potential sources of contamination include:

(i) Septic systems, including proposed and reserve sites under a valid septic design: Provided, that the design has been approved for installation by a health authority;

(ii) Manure, sewage, and industrial lagoons;

(iii) Landfills;

(iv) Hazardous waste sites;

(v) Sea/salt water intrusion areas;

(vi) Chemical and petroleum storage areas;

(vii) Pipelines used to convey materials with contamination potential;

(viii) Livestock barns and livestock feed lots.

(b) Minimum set-back distances for water wells other than for public water supply are:

(i) Five feet from any existing building structure or building projection. Water wells shall not be located in garages, barns, storage buildings or dwellings. When locating a nonpublic water well adjacent to a building, the well location shall be measured from the building sewer and closest building projection.

(ii) Fifty feet from a septic tank, septic holding tank, septic containment vessel, septic pump chamber, and septic distribution box.

(iii) Fifty feet from building sewers, public sewers, collection and nonperforated sewer distribution lines except building drains.

(iv) One hundred feet from the edge of a drainfield, proposed drainfield which has been approved by a health authority, and reserve drainfield areas.

(v) One hundred feet from all other sources or potential sources of contamination except for solid waste landfills.

(vi) One thousand feet from the boundary of a permitted or previously permitted (under chapter 173-304, 173-306, 173-351, or 173-350 WAC) solid waste landfill as defined by the permit; or one thousand feet from the property boundary of other solid waste landfills. Except, a variance may be granted if documentation is provided that demonstrates the construction and operation of the well adjacent to the landfill will not further degrade the environment and will not cause a public health risk.

(c) All public water supply wells shall be located by the department of health or the local health authority.

(i) Before construction begins, site approval must be obtained from the department of health, or the local health authority.

(ii) The requirements of the state board of health regulation regarding public water supplies shall apply.

(iii) This regulation includes requirements for zones of protection, location of the well, accessibility features, and certain construction requirements.

(4) In siting a well, the driller shall consider:

(a) All local and state water well construction regulations, policies, and ordinances;

(b) Permeability of the soil or rock;

(c) Adjacent land uses;

(d) Local ground water conditions; and

(e) End use of the well.

(5) Before construction, the water well operator should strongly emphasize to the well owner, the importance of retaining good accessibility to the well to permit future inspection, maintenance, supplementary construction, and decommissioning.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-171, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-171, filed 3/23/98, effective 4/23/98.]

WAC 173-160-181 What are the requirements for preserving the natural barriers to ground water movement between aquifers? (1) In constructing a water well, care shall be taken to preserve the natural barriers to ground water movement between aquifers.

(2) Care shall be taken to seal aquifers or strata penetrated during drilling operations which might impair water quality or result in cascading water.

(3) Water wells may not interconnect aquifers.

(4) All sealing must be permanent and prevent movement of surface, or ground water into the annular space between the permanent casing and the bore hole.

(5) Sealing shall prevent the upward movement of artesian waters within the annular space around the well casing and prevent the contamination or wasting of ground water.

(6) Sealing shall prevent the movement of ground water either upward or downward from zones that were cased off.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-181, filed 3/23/98, effective 4/23/98.]

WAC 173-160-191 What are the design and construction requirements for completing wells? (1) You may complete wells with screens, perforated liners or pipe, or open bottom completion. The well driller or designer shall advise the owner or the owner's representative of the most appropriate method of completion.

(2) All well components must be of sufficient strength to withstand the normal forces to which they are subjected during and after construction.

(3) Water wells must be completed in a manner which prevents the production of untreatable amounts of sand, silt, or turbid water which would render the well unusable.

(4) Open bottom completion is appropriate where the withdrawn waters are essentially free of sand, silt and turbidity.

(5) Perforated pipe completion is suitable for a coarse-grained, permeable aquifer where the withdrawn waters are free of sand, silt or turbidity.

(6) Perforations above the static water level are not permitted.

(7) In place perforations with Star, Mills knife, or similar type perforators are acceptable.

(8) Perforated pipe liners, either saw cut, torch cut, mill slotted, or punched are acceptable.

(9) The use of perforated casing for working casing as the hole is being drilled is prohibited, except in those cases where the contractor can, through personal experience in the

particular area of drilling, attest to the sufficiency of the pre-perforated casing in all respects for the specific well being constructed.

(10) Pipe liners may be of steel, plastic or other suitable corrosion resistant material.

(11) All liners must be of sufficient strength to withstand normal forces exerted upon the liner material during installation and operation.

(12) Liners may be used only in consolidated formations.

(13) The installation of a liner without a gravel pack is prohibited when conditions exist that will result in excessively turbid water.

(14) Well screens and well points must be constructed of compatible corrosion resistant material.

(a) A neoprene, or grout seal shall be fitted to the top of the well screen assembly, if necessary.

(b) The bottom of the well screen shall be plugged or capped.

(c) The use of lead packers is prohibited.

(15) The alignment of the bore hole, permanent casing, or liner shall be sufficiently plumb and straight to allow the installation of screens, liners, pumps, and pump columns without binding or having adverse affects on the operation of the installed pumping equipment.

(a) Alignment of the well casing or bore hole shall not deviate from an alignment that would allow a twenty foot test section of pipe to be inserted to the bottom of the well without binding.

(b) The diameter of the test section of pipe shall be per Table 1 in WAC 173-160-201.

(c) For testing alignment in casing reductions, each section shall be tested separately.

(16) For wells completed in an unconsolidated formation in which the bore hole extends beyond the completed casing or screen depth, the driller must backfill that portion of the bore hole that extends more than ten feet beyond the casing or screen. The backfill shall consist of either bentonite or chlorinated sand or pea gravel. If any portion of the bore hole extension penetrates a clay layer which is greater than six feet in thickness, that portion of the bore hole shall be sealed with bentonite. A notice of intent to decommission a water well is not required for this work.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-191, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-191, filed 3/23/98, effective 4/23/98.]

WAC 173-160-201 What are the casing and liner requirements? (1) Proper casing must be installed in all water supply wells.

(2) The casing shall withstand normal forces which act upon it during and after installation. It shall be resistant to the corrosive effects of the surrounding formations, earth, and water and shall be impervious to any contaminants encountered.

(3) All plastic casing or liner pipe used in potable water supply wells must be manufactured to conform to National Sanitation Foundation (NSF) Standard 14-84, or the most recent revision.

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(4) Unless prior approval is obtained from the department, well casings and liner pipes must be made of either steel or plastic.

(5) Liner pipe must be of sufficient strength to withstand breakage or collapse when the well is pumped and meet ASTM potable water standards.

(6) When installed, liner pipe shall extend or telescope at least two feet into the lower end of the well casing. If more than one string of liner pipe is installed, each string shall extend or telescope at least eight feet into the adjacent larger diameter liner pipe.

(7) Liner pipe may not be permanently fixed to a well casing below land surface.

(8) Minimum specifications for steel casing and steel liner pipe for water wells are shown in Table 1.

(9) Minimum specifications for plastic casing and plastic liner pipe for water wells are shown in Table 2.

(10) Steel casing larger than twenty inches shall have a minimum wall thickness of 0.375 inches.

TABLE 1
Minimum Specifications for Steel Casing and Steel Liner Pipe

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)	TEST SECTION OUTSIDE DIAMETER (inches)
1.25	1.660	0.140	2.27	0.500
1.5	1.900	0.145	2.72	0.750
2.0	2.375	0.154	3.65	1.000
2.5	2.875	0.203	5.79	1.500
3.0	3.500	0.216	7.58	2.000
3.5	4.000	0.226	9.11	2.500
4.0	4.500	0.237	10.79	3.000
5.0	5.563	0.258	14.62	3.500
6.0	6.625	0.250	17.02	4.000
8.0	8.625	0.250	22.36	6.000
10	10.750	0.250	28.04	8.000
12	12.750	0.250	33.38	10.000
14	14.000	0.312	45.61	11.000
16	16.000	0.375	57.52	14.000
18	18.000	0.375	70.59	16.000
20	20.000	0.375	78.60	18.000
24	24.000	0.375	94.62	20.000
30	30.000	0.375	118.65	24.000

TABLE 2
Minimum Specifications for Plastic Casing and Plastic Liner Pipe

NOMINAL CASING DIAMETER (inches)	MINIMUM THICKNESS (inches)	SDR
2.0	0.133	21
2.5	0.137	21
3.0	0.167	21
3.5	0.190	21
4.0	0.214	21
4.5	0.236	21
5.0	0.265	21
6.0	0.316	21
8.0	0.410	21
10	0.511	21
12	0.606	21

STEEL CASING AND STEEL LINER

(11) All steel casing and steel liner must be new or, in like new condition, and be structurally sound.

(a) Casing or liner that has been exposed to a contaminant shall not be used in well construction unless the contaminant can be entirely removed.

(b) When casing or liner lengths are joined together, they must be connected by watertight weld or screw coupled joints.

(i) Welded joints must be at least as thick as the wall thickness of the well casing and be fully penetrating.

(ii) All steel well casing or liner shall meet or exceed the minimum American Society for Testing and Materials (ASTM) A-53 A or B specification for steel pipe.

PLASTIC CASING AND PLASTIC LINER

(12) Plastic, fiberglass, PVC, SR, ABS, CPVC or other type of nonmetallic well casing or liner must be manufactured and installed to conform with ANSI/ASTM F 480-81, or the most recent revision.

(a) SDR is calculated by dividing the outside diameter of the pipe by the wall thickness.

(b) SDR 21 is the minimum requirement (Class 200); higher pressure rated pipe may be used.

(c) All plastic casing must be installed only in an oversized drill hole without driving. The oversized hole must be a diameter of at least 4 inches larger than the outside diameter of the plastic casing or coupling hubs, whichever is larger. Plastic casing and liner must be of sufficient strength to withstand breakage or collapse when installed and while the well is pumped. Plastic casing and liner must meet ASTM potable water standards.

(d) All plastic casing or liner must be new or, in like new condition and clearly marked by the manufacturer showing nominal size, class, type of plastic material, SDR, ASTM designation, and have a National Sanitation Foundation (NSF) seal of approval for use in potable water supplies.

(e) Casing or liner that has been exposed to a contaminant shall not be used in well construction unless the contaminant is entirely removed.

(f) Plastic casing or liner joints must be watertight.

(i) Either "bell" type, threaded joints, or coupling hubs are approved.

(ii) Hub couplings must be of materials meeting the specifications for plastic casings as stipulated in subsection (2) of this section.

(iii) If joints are secured with solvent cement, it must be done in accordance with manufacturer's directions.

CONCRETE CURBING

(13) The concrete used to make curbing must consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete.

(a) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(b) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(14) The curbing shall be at least six inches thick and free of voids. The walls shall be poured in one continuous operation.

(15) When concrete tile is used to line a well, the combined total wall thickness and seal shall be a minimum of six inches.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-201, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-201, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-201, filed 3/23/98, effective 4/23/98.]

WAC 173-160-211 What are the recommended well diameters?

TABLE 3
Recommended Well Diameters

Anticipated Well Yield in gpm	Nominal Size of Pump Bowls in inches	Optimum Size of Well Casing in inches
Less than 100	4	6 ID
75 to 175	5	8 ID
150 to 350	6	10 ID
300 to 700	8	12 ID
500 to 1000	10	14 OD
800 to 1800	12	16 OD
1200 to 3000	14	20 OD
2000 to 3800	16	24 OD
3000 to 6000	20	30 OD

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-211, filed 3/23/98, effective 4/23/98.]

WAC 173-160-221 What are the standards for sealing materials? (1) Bentonite sealant:

(a) Bentonite used to prepare slurries for sealing, or decommissioning shall be specifically designed for this purpose. At no time shall grout slurry contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro-bacterial nutrient. All bentonite slurries shall be prepared and installed according to the manufacturer's instructions. All additives must be certified by a recognized certification authority such as NSF. Active solids content (bentonite) shall be twenty percent by weight or greater in all bentonite slurries. The active solids shall be checked by using the following formula:

$$\frac{\text{Weight of bentonite (lbs.)}}{\text{Weight of bentonite (lbs.)} + (\text{gallons of water} \times 8.33 \text{ lbs./gal})} \times 100 = \% \text{ solids}$$

$$\text{Example: } \frac{105 \text{ lbs. of bentonite}}{105 \text{ lbs. bentonite} + (50 \text{ gallons of water} \times 8.33 \text{ lbs./gal})} \times 100 = 20\% \text{ solids}$$

(b) Unhydrated bentonite—pelletized, granulated, powder, or chip bentonite may be used in the construction of seals or in decommissioning of wells. The bentonite material shall be specifically designed for sealing or decommissioning and be within the industry tolerances for dry western sodium bentonite. Polymer additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of micro-organisms. All unhydrated bentonite used for sealing or decommissioning must be free of organic polymers. Placement of ben-

tonite shall conform to the manufacturer's specifications and result in a seal free of voids or bridges.

(2) Cement sealants:

(a) Neat cement consists of either portland cement types I, II, III, or high-alumina cement mixed with not more than six gallons of potable water per sack of cement (ninety-four pounds per sack).

(b) Neat cement grout consists of neat cement with up to five percent bentonite clay added, by dry weight of the bentonite. Bentonite is added to improve flow qualities and compensate for shrinkage.

(c) Concrete sealants consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete sealant and water.

(i) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(ii) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(iii) The quantity of water used for each batch of cement sealant shall not exceed manufacturer's recommendation.

(d) Expanding agents, such as aluminum powder, may be used at a rate not exceeding 0.075 ounce (1 level teaspoon) per sack (ninety-four pounds per sack) of dry cement. The powder may not contain polishing agents. High-alumina cement and portland cement of any type must not be mixed together.

(e) Controlled density fill (CDF) or fly ash shall not be used in any well construction or decommissioning.

(f) All cement sealants shall be mechanically mixed prior to placing in the well or bore hole.

(3) Sealing methods:

(a) When neat cement or neat cement grout is used in sealing, it shall be placed seventy-two hours before additional drilling takes place, unless special additives are mixed with the neat cement or neat cement grout that cause it to set in a shorter period of time.

(b) All hydrated sealing materials shall be placed by tremmying the mixture from the bottom of the annular space to the surface in one continuous operation.

(4) This section may not preclude the use of new sealant materials which have been approved by the technical advisory group.

(5) Sealing materials shall be impervious to any contaminants encountered.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-221, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-221, filed 3/23/98, effective 4/23/98.]

WAC 173-160-231 What are the standards for surface seals? (1) All water wells constructed shall have a surface seal which seals the annular space between the bore hole and the permanent surface casing.

(a) The seal shall be constructed to prevent surface contaminants from reaching the ground water.

(b) The surface seal must have a minimum diameter of four inches larger than the nominal size of the surface casing,

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to include the outside diameter of the bell, in bell and hub couplings.

(c) The surface seal must extend from land surface to a minimum depth of eighteen feet. Except, when the minimum surface seal requirements for driven, jetted, dewatering and some dug wells are less than eighteen feet. See the appropriate section for these wells for a detailed description of their sealing requirements.

(2) Sealing material must be placed in an open annular space that is a minimum of four inches greater in diameter than the nominal size of the permanent casing.

(3) The completed surface seal must fully surround the permanent casing, must be evenly distributed, free of voids, and extend to undisturbed or recompacted soil.

(4) After the permanent casing has been set in final position, the annular space shall be filled to land surface with bentonite or neat cement grout or neat cement. Leaving voids for future installation of equipment such as a pitless adapter is prohibited.

(5) A temporary surface casing with a minimum length of eighteen feet and a minimum nominal diameter of four inches greater than the permanent casing shall be used in all unconsolidated formations such as in gravels, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the bore hole open are not employed. Except driven and jetted wells shall utilize a temporary surface casing with a minimum length of six feet and a minimum nominal diameter of four inches greater than the permanent casing shall be used in all unconsolidated formations such as in gravels, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the bore hole open are not employed.

(6) Whenever reconstruction involves permanent surface casing movement; or the existing surface seal is damaged; or a surface seal never existed; the driller shall repair, replace, or install a minimum of eighteen feet of surface seal around the permanent casing.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-231, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-231, filed 3/23/98, effective 4/23/98.]

WAC 173-160-241 What are the requirements for formation sealing? (1) Unconsolidated formation sealing - Without significant clay beds or other confining formations - Drilled wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant clay beds (at least six feet thick) or other confining formations shall be sealed in accordance with the surface sealing requirements of WAC 173-160-231. See Figure 1.

(2) Unconsolidated formation sealing - With significant clay beds or other significant confining formations - Drilled wells that penetrate an aquifer overlain by clay or other confining formations that are at least six feet thick, shall be sealed to prevent movement of water or contamination in the annular space between the permanent casing and the clay or other confining formation(s). One of the following methods shall be used to seal the annular space:

(a) A drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from the land surface into the clay bed or other confin-

ing formation located directly above the aquifer to be developed. The annular space shall be filled with bentonite (slurry or unhydrated), neat cement grout, or neat cement to form a watertight seal between the permanent casing and all significant confining formations encountered during drilling. If bentonite slurry, neat cement grout, or neat cement is used to seal the annular space it must be placed by either pumping or tremmying the seal material from the lowest clay bed or other confining formation of significance encountered, to land surface. The drill hole shall be kept open through the use of a temporary casing or any other drilling method that stabilizes the bore hole wall. See Figure 1.

(b) An upper drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend to a minimum of eighteen feet from land surface. A temporary casing or other means of maintaining an open bore hole shall be utilized. All temporary casing will have an outside diameter of a minimum of four inches larger than the permanent casing (for example, a ten-inch temporary casing for a six-inch permanent casing). The upper drill hole shall always contain a minimum of nine feet of sealant throughout the advancement of the permanent casing. Except, if the temporary casing is removed or not utilized, the upper drill hole shall be kept full of sealant. See Figure 1.

(3) Consolidated formations - In drilled wells that penetrate an aquifer, either within or overlain by a consolidated formation, sealing of the casing shall conform with one of the following procedures.

(a) Procedure one - An upper drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from land surface into a sound, unfractured, consolidated formation. An unperforated permanent casing shall be installed to extend to this same depth, and the lower part of the casing shall be driven into the consolidated formation and sealed in a manner that establishes a watertight seal between the formation and the casing. The remainder of the annular space to land surface shall be filled with neat cement grout, neat cement, or bentonite.

(i) If the consolidated formation is encountered at a depth less than eighteen feet from land surface, the upper drill hole and permanent casing shall extend to a minimum of eighteen feet from land surface. See Figure 2.

(ii) If neat cement grout, neat cement, or bentonite slurry is placed by pumping to seal the entire annulus from the bottom up to land surface, the upper drill hole may be a minimum of two inches larger than the outside diameter of the permanent casing.

(b) Procedure two - An upper drill hole at least four inches greater in diameter than the nominal size of the permanent casing extends from land surface to a depth of at least eighteen feet. An unperforated permanent casing shall be driven into the consolidated formation and sealed in a manner that establishes a watertight seal between the formation and the casing. Throughout the driving of the well casing to the consolidated formation, the annular space between the upper drill hole and the permanent casing shall be kept at least one-half full with unhydrated bentonite, or bentonite slurry. The remainder of the annular space to land surface shall be filled with cement grout, neat cement, or bentonite. See Figure 2.

(c) If temporary surface casing is used in either procedure (a) or (b) of this subsection, the casing must be a mini-

mum of eighteen feet long and at least four inches larger in diameter than the permanent casing. If a consolidated formation is encountered within the first eighteen feet, the temporary casing may terminate at the interface of the consolidated formation. Withdrawal of the temporary casing must take place simultaneously with proper sealing of the annular space to land surface.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-241, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-241, filed 3/23/98, effective 4/23/98.]

WAC 173-160-251 What are the special sealing standards for artesian wells? (1) When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. The plan shall identify the type of sealing material that will be used and the method for sealing. The plan shall also contain at least one alternative construction method for sealing and an emergency contingency section which will identify steps to be taken if the ground water flow cannot be controlled.

(2) When artesian water is encountered in the well, an unperforated well casing shall extend into the confining stratum overlying the artesian zone. The casing shall be sealed into the confining stratum to prevent surface and subsurface leakage from the artesian zone. If the well flows at land surface, it must be equipped with a control valve so that flow can be completely stopped.

(3) The well shall be completed with seals, packers or grout that eliminates leakage around the well casing. The driller shall not move the drilling rig from the well site until leakage is completely stopped, unless authority for temporary removal is granted by the department, or when loss of life or property is imminent.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-251, filed 3/23/98, effective 4/23/98.]

WAC 173-160-261 How do I seal dug wells? The surface seal of all dug wells shall be constructed to effectively seal the annular space between the undisturbed native material of the upper well hole and the well curbing, which may consist of (concrete tile, steel pipe or liner). The seal depth shall be at least eighteen feet from land surface or to within three feet of the bottom in dug wells that are less than twenty-one feet in depth. Dug wells may be sealed with cement, neat cement, bentonite, or neat cement grout. A cap shall be placed on all dug wells. Except during maintenance, the cap shall remain in place. The cap shall prevent entry of pollutants, insects, and mammals into the well. See Figure 3.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-261, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-261, filed 3/23/98, effective 4/23/98.]

WAC 173-160-271 What are the special sealing standards for driven wells, jetted wells, and dewatering wells?

(1) Driven wells - An upper hole at least four inches greater in diameter than the permanent casing shall extend a minimum of six feet below land surface. The annular space between the upper oversized drill hole and the permanent cas-

ing must be kept at least one-half full with bentonite or bentonite slurry throughout all driving of the pipe. The remaining annular space to land surface shall be filled with neat cement grout, neat cement, or bentonite. See Figure 4.

(2) Jetted wells - The surface seal in jetted wells shall be constructed to seal the annular space between the permanent casing and undisturbed native soil. An upper hole at least four inches greater in diameter than the permanent casing shall extend a minimum of six feet below land surface.

(3) Dewatering wells:

(a) Permanent dewatering wells shall be sealed in one of the following manners:

(i) For wells in which the top of the screen interval is greater than twenty-one feet below land surface, the minimum sealing depth shall be eighteen feet.

(ii) If the top of the screen interval is twenty-one feet or less below the land surface, the seal shall be within three feet of the top of the screen. In no instance shall the seal be less than ten feet in depth.

(iii) All permanent dewatering wells shall be constructed to prevent interconnection of separate aquifers penetrated by the well, and provide casing stability.

(b) Temporary dewatering wells are wells that are in place less than twelve months.

(i) Temporary dewatering wells shall have a minimum of a three-foot surface seal.

(ii) Temporary dewatering wells that connect different aquifers, allowing waters to commingle, must have a dewatering plan that addresses and mitigates potential inter-aquifer transfer and cross-contamination.

(iii) All temporary dewatering wells must be decommissioned or reconstructed to meet standards for permanent dewatering wells within twelve months from the date of installation.

(c) The minimum annular space requirements, sealing material, and decommissioning procedures of this chapter apply to all dewatering wells. This includes wells that have been cut down, altered or damaged during the dewatering process. Temporary dewatering wells located within an area to be excavated for construction are exempt from these sealing requirements but are required to be decommissioned in accordance with this chapter.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-271, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-271, filed 3/23/98, effective 4/23/98.]

WAC 173-160-281 What are the construction standards for artificial gravel-packed wells? In gravel-packed wells, the gravel mixture shall be placed around the screen so that bridging or size separation does not occur. The gravel pack must be clean, and chemically stable. All gravel and water used must be disinfected with at least fifty parts per million (ppm) chlorine for a contact time of at least thirty minutes. Rinse water containing chlorine is a pollutant. Chlorine in the rinse water must be allowed to dissipate and the water must be discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW. See Figure 5.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-281, filed 3/23/98, effective 4/23/98.]

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WAC 173-160-291 What are the standards for the upper terminal of water wells? (1) The watertight casing or curbing of any well shall extend at least six inches above the ground surface. Pit completion is prohibited.

(2) Where the site is subject to flooding, the top of the casing must be at least two feet above the estimated water level of a one hundred-year frequency flood.

(3) All wells shall be equipped with an access port that allows for the measurement of the depth to water surface, or with a pressure gage that indicates the shut-in pressure of a flowing artesian well. See Figure 6. The access ports and pressure gages or other openings in the cover are sealed or capped to prevent entrance of surface water or foreign material into the well.

(4) Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by watertight piping to a point at least six inches above land surface. The terminals of these facilities shall be shielded or sealed to prevent entrance of foreign matter or pollutants.

(5) A pitless adapter, or similar device is permitted on water wells if it is made with fittings approved by the department of health. The use and installation of pitless adapters must meet manufacturer's standards. The connection must be above static water level except for adapters specifically designed for installation below static water level.

(6) Any person who removes any part of a surface seal to install a pitless adapter shall be responsible to have the seal repaired by a licensed or otherwise qualified person so that the seal is brought up to land surface.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-291, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-291, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-291, filed 3/23/98, effective 4/23/98.]

WAC 173-160-301 What are the requirements for temporary capping? (1) All wells which are not in use, or are temporarily out of service, must be securely capped so that no contamination can enter the well.

(2) Capping must be affixed by solid welds or equal seal to prevent unauthorized access to the well.

(3) Temporary capping alone will not satisfy the decommissioning requirements of this chapter.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-301, filed 3/23/98, effective 4/23/98.]

WAC 173-160-311 What are the well tagging requirements? (1) It shall be the operator's responsibility to place a well identification tag with a unique identification number on every well that they construct, alter, or reconstruct within thirty days of completion of the well. The original unique identification number shall be used on all subsequent work and documentation.

(a) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(b) The operator shall remove the well identification tag on all wells they decommission and shall attach the tag to the decommissioning well report.

(2) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on

every well they own, unless the well has been previously tagged.

(a) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(b) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(3) The well tag shall be permanently attached to the outer well casing or other prominent well feature and be visible above land surface.

(4) All well identification tags shall be supplied by the department.

(5) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-311, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-311, filed 3/23/98, effective 4/23/98.]

WAC 173-160-321 How do I test a well? (1) Well authorized by appropriation permit - Before being put to use, each well shall be test pumped for yield and draw down. Reports of the test pumping shall be submitted as required in chapter 90.44 RCW. The driller shall be familiar with and meet all testing procedures outlined in the water right permit. The well shall be test pumped at rates equal to, or greater than, are expected from the well during its normal usage. The test pump for public water supply wells shall be operated continuously for a minimum of four hours, or longer if required by the department of health. The yield and draw down shall be determined following at least four hours of constant rate pumping. Periodic water level observation should be made during draw down and subsequent recovery periods. Periods of observation shall be more frequent during the onset of the draw down and may decrease in frequency as the draw down or recovery proceeds. A bailer test is not an acceptable substitute for testing wells under permit or for public water supply wells.

(2) Wells not requiring appropriation permit - Testing of a well that does not require an appropriation permit shall be conducted at a constant rate for a period of at least one hour or longer if required by the department of health. Test pumping under this section can be either by bailer, air lift, or with a pump.

(3) Test data shall be reported to the department on the water well report by the operator at the time the report is submitted.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-321, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-321, filed 3/23/98, effective 4/23/98.]

WAC 173-160-331 How do I make sure my equipment and the water well are free of contaminants? (1) All tools, drilling equipment and materials shall be free of contaminants prior to beginning well construction. Contaminants include lubricants, fuel, bacteria that will reduce the well efficiency, and any other item(s) that will be harmful to public health and/or the resource or reduce the life of the water well.

(2) Every new or reconditioned water well, after completion of construction or repair, and before being placed in ser-

vice, shall be cleared of all foreign materials, and free of contamination.

(3) The well casing shall be swabbed and cleaned to remove oil, grease or joint dope.

(4) All pumping equipment, sand or gravel used in gravel-packed water wells and the well casing shall be thoroughly sluiced with clean water and disinfected. The disinfecting agent shall be safe and not impair the potability of the ground water. All disinfectants shall be used in accordance with manufacturer's recommendations.

(5) Before the well is put to use, the standing water in the well shall be disinfected and flushed to remove all traces of disinfectant. A water sample may then be taken and tested for coliform bacteria or other items required by the state department of health or local health authority. Examples of other test items may include: Nitrates, dissolved solids, sodium, iron, pH, manganese, conductivity, hardness, and turbidity. If testing indicates a presence of coliform bacteria, more stringent disinfecting methods may be required by the department of health or local health authority.

If chlorine is used to disinfect the well water, sufficient chlorine will be added to the standing water to give a residual of fifty ppm free chlorine. The chlorine shall remain in the well for a period of at least twenty-four hours. After twenty-four hours, a minimum of one ppm free chlorine residual shall remain in the water before the well is flushed free of chlorine and a sample taken. Other disinfectants placed in the ground water shall be used in quantities that are safe, non-polluting, and that are not a detriment to the potability of the ground water. All disinfectants used in ground water shall be used in accordance with manufacturer's recommendations.

(6) Chlorine and other disinfectants can pollute. Allow the chlorine or other disinfectants in the rinse water to dissipate before discharging the water to surface water. This water shall be discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-331, filed 3/23/98, effective 4/23/98.]

WAC 173-160-341 How do I ensure the quality of drilling water? All water introduced into a well for drilling purposes and for mixing sealing materials shall be obtained from a potable water source and have a chlorine residual of not more than 1 ppm free chlorine.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-341, filed 3/23/98, effective 4/23/98.]

WAC 173-160-351 What are the standards for pump installation? All pumps and pumping equipment and materials must be free of contamination and shall be installed in a manner consistent with the intent and purposes of these regulations.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-351, filed 3/23/98, effective 4/23/98.]

WAC 173-160-361 Who may supervise the use of explosives? Explosives used for developing or reconditioning any water well must be used under the direct supervision of an individual licensed under chapter 70.74 RCW.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-361, filed 3/23/98, effective 4/23/98.]

WAC 173-160-371 What are the standards for chemical conditioning? The use of detergents, chlorine, acids or other chemicals in wells for the purpose of increasing or restoring yield, shall be used according to manufacturer's recommendations. Within a consolidated formation, the placement or use of packers and subsequent pressurization within the bore hole or casing while cleaning or hydrofracturing shall not damage the seal at the drive shoe. Except for disinfection and cleaning of wells, a well drilling license is required for all other chemical conditioning that alters the condition of the water well.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-371, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-371, filed 3/23/98, effective 4/23/98.]

WAC 173-160-381 What are the standards for decommissioning a well? Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned. The decommissioning procedure (as prescribed by these regulations) must be recorded and reported as required by the department.

(1) Cased wells. Remove all liners, debris, and obstructions from the well casing, except well screens and packers. All cased water wells shall be decommissioned in one of the following ways:

(a) Perforate the casing from the bottom to within five feet of the land surface and pressure seal the casing.

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. The perforations must be sufficient enough to allow neat cement grout or neat cement, or bentonite slurry to migrate outside the casing and effectively prevent the movement of water.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The casing shall be filled completely with neat cement grout, neat cement, or bentonite slurry. The screen and up to five feet of riser pipe may be filled with unhydrated bentonite. The remainder of the riser pipe must be removed.

(iv) The casing may be cut off at a maximum of five feet below land surface. A steel cap shall be welded on the casing; or

(b) Withdraw the casing and fill the bore hole with neat cement grout, neat cement, unhydrated bentonite, or bentonite slurry as the casing is being withdrawn.

(2) Uncased wells - Remove all liners, debris, and obstructions. Seal uncased wells with concrete, neat cement grout, neat cement, or bentonite.

(3) Dug wells -

(a) The following criteria are required for the decommissioning of all dug wells:

(i) Remove all debris and obstructions that impede decommissioning or that may contaminate the aquifer from within the dug well.

(ii) Dug wells may have a maximum of three feet of soil cover from top of sealing material to land surface.

(iii) Dug wells shall be sealed with either unhydrated bentonite, neat cement, neat cement grout, or concrete. The

use of controlled density fill (CDF), bentonite slurry, or fly ash is prohibited.

(iv) Dug wells that are not cast-in-place must have a minimum of three feet of sealing material in contact with native soil below land surface. Bentonite slurry shall not be used to decommission dug wells.

(b) Dug wells that are dry at any time during the year and that are less than twenty feet in depth shall be sealed from the bottom to within three feet of land surface.

(c) Dug wells that have a static water level of ten feet from land surface or less and a depth of less than twenty feet may be decommissioned by installing clean chlorinated sand or pea gravel to a maximum depth of ten feet below land surface. Otherwise, the well shall be filled with either unhydrated bentonite, neat cement, neat cement grout, or concrete.

(d) Dug wells that have a static water level over ten feet and a depth of less than twenty feet from land surface may be decommissioned by installing clean chlorinated sand or pea gravel to the static level. Otherwise, the well shall be filled with either unhydrated bentonite, neat cement, neat cement grout, or cement.

(e) Dug wells with static levels twenty feet or less from the land surface and that are greater than twenty feet deep may be decommissioned by placing chlorinated sand or pea gravel to twenty feet below land surface. Otherwise, the well, to a maximum of three feet below land surface, shall be filled with unhydrated bentonite, neat cement, neat cement grout, or concrete.

(f) Dug wells with static levels below twenty feet from land surface, may be decommissioned by placing chlorinated sand or pea gravel to the static level and then placing alternating layers of sealing material and chlorinated sand or pea gravel to within twenty feet of land surface. The alternating layers of sand or pea gravel must be a maximum of five feet thick. The minimum thickness of the sealing material layers must be five feet. Otherwise, the dug well shall be filled with unhydrated bentonite, neat cement, neat cement grout, or concrete to a maximum of three feet below land surface.

(4) Flowing artesian wells that are not leaking on the outside of the casing shall be decommissioned by pressure grouting with neat cement or weighted high solids bentonite slurry from the bottom of the well bore to land surface. If the well is leaking on the outside of the casing or if leaking develops while the decommissioning method above is employed, then the casing must be perforated and pressure grouted to replace all confining layers and to stop leakage.

(5) Placement of sealing material.

(a) Sealing material placed below the static water level shall be piped directly to the point of application or placed by means of a dump bailer or pumped through a tremie tube. As the sealing material is placed, the existing well tile may be encapsulated into the seal material. If concrete, neat cement grout, bentonite, bentonite slurry, or neat cement is used to seal below the static water level in the well, the material shall be placed from the bottom up by methods that avoid segregation or dilution of the material. When used to place concrete, neat cement, neat cement grout, or bentonite slurry the discharge end of the tremie tube shall be submerged in the sealing material to avoid breaking the seal while filling the annular space.

(b) All authorized sealing material placed above the static water level or into the dewatered portion of the well may be hand poured above the static water level, provided the material does not dilute or segregate, and result in a seal free of voids.

(c) When decommissioning wells that were originally constructed without casing, unhydrated bentonite chips or pellets may be hand placed, provided it forms a continuous seal.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-381, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-381, filed 3/23/98, effective 4/23/98.]

WAC 173-160-390 Artificial recharge of ground water bodies. Approval must be obtained from the department before starting any project related to the artificial recharge of ground water bodies.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-390, filed 3/23/98, effective 4/23/98.]

PART TWO—GENERAL REQUIREMENTS FOR RESOURCE PROTECTION WELL CONSTRUCTION AND GEOTECHNICAL SOIL BORINGS

WAC 173-160-400 What are the minimum standards for resource protection wells and geotechnical soil borings? The following minimum standards shall apply to all resource protection wells and geotechnical soil borings constructed in the state of Washington. It is the responsibility of the resource protection well operator, resource protection well contractor, and the property owner to take whatever measures are necessary to guard against waste and contamination of the ground water resource.

(1) It will be necessary in some cases to construct resource protection wells and geotechnical soil borings with additional requirements beyond the minimum standards.

(2) Nothing in this section limits the department's authority to approve comparable alternative specifications for construction as technology in the industry is developed, or new methods of construction become known to the department.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-400, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-400, filed 3/23/98, effective 4/23/98.]

WAC 173-160-406 How do I apply for a variance on a resource protection well? (1) When strict compliance with the requirements and standards of this chapter are impractical, any person may submit a variance request to the department from a regulation or regulations. The application for variance must propose a comparable alternative specification that will provide equal or greater human health and resource protection than the minimum standards. Application for a variance shall be made in writing and approved prior to the construction or decommissioning of the well.

(2) The variance application shall contain at least the following information:

(a) Name, address, and phone number of the person requesting the variance;

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(b) Address of well site;

(c) 1/4, 1/4, section, township, range;

(d) The specific regulation(s) that cannot be followed;

(e) The comparable alternative specification;

(f) Justification for the request.

(3) The variance application will be evaluated, and a response will be given within fourteen days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a drilling situation, which if left unaddressed, could harm the ground water resource. Driller convenience does not constitute an emergency.

(4) The emergency variance recipient must immediately follow up with a written notification to the department so that a permanent record is made of the variance.

(5) Local health districts or counties with delegated authority may grant variances under the provision of chapter 18.104 RCW delegated authority.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-406, filed 3/23/98, effective 4/23/98.]

WAC 173-160-410 What are the specific definitions for words in this chapter? This section specifically defines words associated with resource protection wells and geotechnical soil borings. To find the definitions of other words, see WAC 173-160-111.

(1) "Environmental investigation well" means a cased hole intended or used to extract a sample or samples of ground water, vapor, or soil from an underground formation and which is decommissioned immediately after the sample or samples are obtained. An environmental investigation well is typically installed using direct push technology or auger boring and uses the probe, stem, auger, or rod as casing. An environmental investigation well is not a geotechnical soil boring.

(2) "Geotechnical soil boring" or "boring" means an uncased well drilled for the purpose of obtaining soil samples to ascertain structural properties of the subsurface.

(3) "Ground source heat pump boring" means a vertical boring constructed for the purpose of installing a closed loop heat exchange system for a ground source heat pump.

(4) "Grounding well" means a grounding electrode installed in the earth by the use of drilling equipment to prevent buildup of voltages that may result in undue hazards to persons or equipment. Examples are anode and cathode protection wells.

(5) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes bore hole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(6) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevations in either clean or contaminated water or soil.

(7) "Nested well" means the installation of more than one cased resource protection well in one bore hole. This does not preclude casing reductions or installation of vibrating wire piezometers.

(8) "Observation well" means a well designed to measure the depth to the water or water level elevation in either clean or contaminated water or soil.

(9) "Piezometer" means a well designed to measure water level elevation at a specific depth beneath the water table.

(10) "Remediation well" means a well intended or used to withdraw ground water or inject water, air (for air sparging), or other solutions into the subsurface for the purpose of remediating, cleaning up, or controlling potential or actual ground water contamination.

(11) "Resource protection well" means a cased boring intended or used to collect subsurface information or to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, remediation wells, environmental investigation wells, vapor extraction wells, ground source heat pump boring, grouting wells, and instrumentation wells.

(12) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(13) "Resource protection report" or "geotechnical soil boring report" means a document that describes how a resource protection well or geotechnical soil boring was constructed or decommissioned and identifies its components per the requirements of WAC 173-160-420.

(14) "Spill response well" means a well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(15) "Structural properties" means subsurface engineering properties or geotechnical information used for the purpose of designing structures such as bridges, buildings, highways, pipelines, or for assessing slope stability samples.

(16) "Vapor extraction well" means a well used to withdraw gases or vapors from soil, rock, landfill, backfill or ground water for the purpose of investigating or remediating soil or ground water contamination or managing gases or vapors.

(17) "Well driller" or "driller" means a resource protection well contractor or operator and a water well contractor or operator.

(18) "Well" means water wells, resources protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-410, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-410, filed 3/23/98, effective 4/23/98.]

WAC 173-160-420 What are the general construction requirements for resource protection wells? (1) No resource protection well or soil boring excavation may be

used to withdraw or inject water for domestic, industrial, municipal, commercial, or agricultural purposes.

(2) No resource protection well or soil boring excavation may interconnect aquifers.

(3) Nested resource protection wells are prohibited.

(4) Cuttings, development water, and other investigation derived waste from resource protection well construction or geotechnical soil borings shall be managed in a manner consistent with the intent and purposes of the Water Pollution Control Act, chapter 90.48 RCW, the Hazardous Waste Management Act, chapter 70.105 RCW, and implementing regulations.

(5) Well tagging:

(a) It shall be the driller's responsibility to place a well identification tag with a unique identification number on every resource protection well that they construct or alter within thirty days of completion of the well. Uncased geotechnical soil borings and environmental investigation wells are exempt from the tagging requirements of this chapter.

(i) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(ii) The driller shall remove the well identification tag on all resource protection wells they decommission and shall attach the tag to the decommissioning well report.

(b) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on every resource protection well they own and which was completed prior to the effective date of this regulation.

(i) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(ii) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(c) The well tag shall be permanently attached to the outer well casing and be visible above land surface for all wells which have been completed above land surface. For wells completed below land surface, the well tag shall be attached to the well casing or to any permanent and protected portion of the vault.

(d) All well identification tags shall be supplied by the department.

(e) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

(6) All resource protection wells will be sealed in accordance with WAC 173-160-450 regardless of the method of installation. Except, resource protection wells that are properly decommissioned prior to the removal of any drilling equipment from the well location are exempted from the surface sealing requirements of this chapter. Provided the decommissioning process includes the removal of any conduit, tubing, probe, or other items inserted into the ground.

(7) All geotechnical soil borings shall be decommissioned under the terms of this chapter.

(8) Except as provided in RCW 18.104.180, all construction, alteration, reconstruction, and decommissioning of resource protection wells and geotechnical soil borings shall be done by an individual licensed under the provisions of chapter 173-162 WAC.

(9) A notice of intent to construct or decommission a resource protection well and a geotechnical soil boring shall be filed with the department a minimum of seventy-two hours prior to initiating construction or decommissioning of

the well(s) or boring(s). A fee must accompany each notice of intent to construct or decommission a resource protection well.

(a) The fee for a resource protection well, except for an environmental investigation well, a ground source heat pump boring, or a grounding well, is forty dollars for each well.

(b) The fee for an environmental investigation well in which ground water is sampled or measured is forty dollars for the construction of up to four environmental investigation wells per project, ten dollars for each additional environmental investigation well constructed on a project with more than four wells. There is no fee for soil or vapor sampling purposes.

(c) The fee for a ground source heat pump boring or a grounding well is forty dollars for construction of up to four ground source heat pump borings or grounding wells per project and ten dollars for each additional ground source heat pump boring or grounding well constructed on a project with more than four wells.

(d) The fee to decommission a resource protection well, except for an environmental investigation well, is twenty dollars. There is no fee to decommission an environmental investigation well or a geotechnical soil boring.

(e) The fee to decommission a ground source heat pump boring or a grounding well is twenty dollars. Under some circumstances, it may be necessary to construct more resource protection wells or geotechnical soil borings than originally anticipated. When additional resource protection wells are constructed on a site for which a notice of intent and fee were submitted, a second notice and fee shall be submitted within twenty-four hours after all wells have been completed or as soon as the final number of wells to be constructed is determined, whichever is sooner. When additional geotechnical soil borings are needed, the borings may be completed. A follow-up notice of intent shall be submitted to the department within twenty-four hours after all borings are constructed. Notification to construct multiple wells or geotechnical soil borings within the same quarter/quarter section, township, and range may be submitted on one notice form.

(10) Resource protection well and geotechnical soil boring drilling reports.

(a) Every well contractor is required to submit a complete report on the construction, alteration, or decommissioning of all resource protection wells and geotechnical soil borings they construct. Reports must be submitted to the water resources program within thirty days after completion of construction, alteration, or decommissioning. Submission of well report to consulting firms does not meet the well contractor's obligation of this section.

(b) This applies to all resource protection wells and geotechnical soil borings.

(c) The resource protection well and geotechnical soil boring report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.

(d) Where applicable the report shall include the following information:

(i) Owner's name; operator/trainee name; operator/trainee license number; contractor registration number, drilling company name;

(ii) Tax parcel number;

- (iii) Well location address;
- (iv) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;
- (v) Unique well identification tag number;
- (vi) Construction date;
- (vii) Start notification number;
- (viii) Intended use of well;
- (ix) The well depth, diameter, and general specifications of each well;
- (x) Total depth of casing;
- (xi) Well head elevation;
- (xii) Drilling method;
- (xiii) Seal material, seal location and type of placement used;
- (xiv) Filter pack location; filter pack material used;
- (xv) The thickness and character of each bed, stratum or formation penetrated by each well including identification of each water bearing zone;
- (xvi) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;
- (xvii) The depth to the static water level, as measured below the land surface; and
- (xviii) Such additional factual information as may be required by the department.

(e) The well report must show the license number and signature of the person who constructed the well. If this is an unlicensed person, exempted under RCW 18.104.180(2), the report shall show the license number and signature of the licensed individual who witnessed the drilling. Resource protection well reports for wells constructed by trainees shall have the signature and license number of the trainee and licensed operator.

What are the surface protection requirements?

(11) All resource protection wells shall be capped and protected using one of the following methods:

(a) If the well is cased with metal and completed above the ground surface, you must attach a watertight cap with a lock to the top of the casing.

(b) If the well is not cased with metal and completed above the land surface, you must install a protective metal casing over and around the well. The protective casing shall extend at least six inches above the top of the well casing and be cemented at least two feet into the ground. A cap with lock shall be attached to the top of the protective casing.

(12) You shall protect the well(s) completed above ground from damage by:

(a) Cementing three metal posts, at least three inches in diameter, in a triangular array around the casing and at least two feet from it. Each post shall extend at least three feet above and below the land surface.

(b) A reinforced concrete pad may be installed to protect against and prevent frost heave. If installed, the concrete pad shall extend to a depth equal to anticipated frost depth. When a concrete pad is used, the well seal may be part of the concrete pad.

(13) If the well is completed below land surface, a watertight cap with a lock shall be attached to the top of the well casing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the land surface and

be equipped with a waterproof seal to prevent the inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap. The cover must be designed to withstand the maximum expected loading.

(14) The protective measures may be waived or modified upon written approval from the department (a variance).

(15) If the well is damaged, the well protection measures and casing shall be repaired to meet the requirements of this chapter. If the well is damaged beyond repair, it shall be decommissioned in accordance with WAC 173-160-460.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-420, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-420, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-420, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-420, filed 4/6/88.]

WAC 173-160-430 What are the minimum casing standards? The casing may not effect or interfere with the chemical, physical, radiological, or biological constituents of interest. The casing shall also withstand normal forces which act upon it during and after installation. All resource protection well casing shall conform to ASTM Standards, or at least 304 or 316 stainless steel, PTFE, or Schedule 40 PVC casing.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-430, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-430, filed 3/23/98, effective 4/23/98.]

WAC 173-160-440 What are the equipment cleaning standards? (1) When drilling in known or potential areas of contamination, steam clean the drill rig derrick and all drilling equipment on site before and after well construction. If the equipment is used to drill in radioactive areas, you must develop a decontamination plan and the department must approve that plan prior to the equipment being removed from the drill site.

(2) All well construction materials to include casing, screen(s), and filter pack material must be free of contaminants prior to installation.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-440, filed 3/23/98, effective 4/23/98.]

WAC 173-160-450 What are the well sealing requirements? (1) All resource protection wells constructed shall have a continuous seal, which seals the annular space between the bore hole and the permanent casing. The seal shall be constructed to prevent interconnection of separate aquifers penetrated by the well, and shall provide casing stability. Except for environmental investigation wells, the seal shall have a minimum diameter of four inches larger than the nominal size of the permanent casing, and shall extend from land surface to the top of the filter pack. The filter pack shall be no less than one foot or greater than five feet above the screen interval. See Figure 7. Wells that are installed using direct push technology will follow the sealing guidelines of WAC 173-160-451.

(2) After the permanent casing has been set in final position, the filter pack (optional) and sealing material shall be placed in the open bore hole annular space that must be a minimum of four inches greater in diameter than the nominal

size of the permanent casing. After installing the filter pack (optional) a layer of bentonite shall be placed on top of the filter pack to maintain separation between the seal material and the screened interval. Insure that placement will not disturb the filter pack. The remaining annular space shall be filled to land surface in a continuous operation with bentonite, neat cement, or cement grout. If a cement/bentonite slurry is used as the sealant, it shall be installed with a tremie tube and pumped from the top of the bentonite plug (above the filter pack) to land surface. Use only potable water to hydrate the mixture.

(3) The completed annular space shall fully surround the permanent casing, be evenly distributed, free of voids, and extend from the permanent casing to undisturbed or recompact soil.

(4) All sealing materials used shall conform to one of the following minimum requirements:

(a) Bentonite sealants:

(i) Bentonite used to prepare slurries for sealing, or decommissioning shall be specifically designed for this purpose. At no time shall grout slurry contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro-bacterial nutrient. All bentonite slurries shall be prepared and installed according to the manufacturer's instructions. All additives must be certified by a recognized certification authority such as NSF. Active solids content (bentonite) shall be twenty percent by weight or greater in all bentonite slurries.

(ii) Unhydrated bentonite—pelletized, granulated, powder, or chip bentonite may be used in the construction of seals or in decommissioning of resource protection wells. The bentonite material shall be specifically designed for sealing or decommissioning and be within the industry tolerances for dry western sodium bentonite. Polymer additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will support or promote the growth of micro-organisms. All unhydrated bentonite used for sealing or decommissioning must be free of organic polymers. Placement of bentonite shall conform to the manufacturer's specifications and result in a seal free of voids or bridges.

(b) Cement sealants:

(i) Neat cement consists of either portland cement types I, II, III, or high-alumina cement mixed with not more than six gallons of potable water per sack of cement (ninety-four pounds per sack).

(ii) Neat cement grout consists of neat cement with up to five percent bentonite clay added, by dry weight of the bentonite. Bentonite is to be added to improve flow qualities and compensate for shrinkage.

(iii) Concrete sealants consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete sealant and water.

(A) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(B) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(iv) Expanding agents, such as aluminum powder, may be used at a rate not exceeding 0.075 ounce (1 level teaspoon) per sack (ninety-four pounds per sack) of dry cement. The powder may not contain polishing agents. High-alumina cement and portland cement of any type must not be mixed together.

(5) This section may not preclude the use of new sealant materials which have been approved by the technical advisory group.

[Statutory Authority: Chapter 18.104 RCW, 06-23-121 (Order 06-08), § 173-160-450, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080, 98-08-032 (Order 97-08), § 173-160-450, filed 3/23/98, effective 4/23/98.]

WAC 173-160-451 What are the minimum standards for direct push resource protection wells? (1) Resource protection wells that are installed using direct push technology shall comply with the applicable standards in these rules for reporting, casing, screening, development, surface protection, cleaning, tagging, and completion.

(2) Resource protection wells that are installed using direct push technology shall also comply with the following standards:

(a) Prepacked or sand packed screens shall be used. The sand pack or filter pack shall not extend more than three feet above the top or one foot below the bottom of the well screen; and

(b) The outside diameter of the bore hole shall be a minimum of one inch greater than the outside diameter of the well casing; and

(c) Granular bentonite shall not be used in the sealed interval below the static water level. Prepacked or slurry sealant is required below static level. Any sealing method used must result in a continuous and effective seal meeting the minimum sealing standards of this chapter; and

(d) Direct push wells shall not be constructed through more than one water bearing formation and the seal shall be from the top of the sand pack to land surface. Direct push wells shall not be greater than thirty feet in depth unless a variance is obtained. A request for a variance must be accompanied by a site-specific plan; and

(e) If the total probe depth exceeds the depth of the bottom of the screen it must be properly decommissioned to the bottom of the screen.

[Statutory Authority: Chapter 18.104 RCW, 06-23-121 (Order 06-08), § 173-160-451, filed 11/21/06, effective 12/22/06.]

WAC 173-160-453 What are the minimum standards for construction of ground source heat pump borings? (1) General requirements.

(a) Applicability of minimum standards. The minimum standards set forth herein apply to all ground source heat pump borings as defined in WAC 173-160-111, constructed by a licensed operator.

(b) Prohibition against other uses. Ground source heat pump borings cannot be used for any purpose other than heat exchange. After completion, ground source heat pump borings shall not be converted to any other type of well except by written approval by the department. The operator shall ensure that the ground source heat pump boring is constructed according to this chapter.

[Title 173 WAC—p. 298]

(2) Location of ground source heat pump borings.

(a) A ground source heat pump boring shall not be located within one hundred feet from any water supply well.

(b) The setback from public water supply wells for ground source heat pump borings must comply with applicable department of health sanitary control zone regulations for the public water supply wells. Where the sanitary control zone is greater than one hundred feet the setback should reflect the expanded distance.

(c) Variances to the standard setback for water supply wells can be obtained when:

(i) The approved sanitary control zone for the public supply well is less than one hundred feet. Notification and concurrence is required from the department of health to insure that the new setback is consistent with the approved public water supply well sanitary control zone. Variances for public supply wells will be issued by the local or state health authority.

(ii) The water supply well is not a public water supply well and the reduced set back is adequate to protect against encroachment on the well and can provide adequate protection against potential contamination. The reduced set back shall be no more than seventy-five feet.

(d) No variance shall be approved for a setback less than the approved sanitary control zone for a water supply well, unless it can be demonstrated that the water supply well is hydrogeologically protected from any potential threat posed by the closed-loop heat system.

(3) Construction standards for ground source heat pump borings. Site specific conditions shall be assessed to determine the best method and materials to be used for sealing the well annulus to protect the ground water.

(a) Casing material. If permanent casing is needed in a ground source heat pump boring, it must meet standards set out in WAC 173-160-201 for steel and for plastic.

(b) In a closed-loop ground source heat pump boring, the material used to make up the heat exchange loop that is placed into the ground must be able to withstand the normal forces which act upon it during and after construction. It shall be resistant to the corrosive effects of the surrounding formations, earth, water, and heat exchange fluids within the pipe.

(c) Pressure testing. Pressure testing will be done in accordance with manufacturer recommended specifications. The closed-loop assembly pipe within the bore hole shall not leak or cause contamination to the ground water.

(d) All fluids used in the construction and testing of ground source heat pump borings will be handled and utilized in a manner that does not contaminate the ground or surface waters of the state.

(e) Bore hole size. The hole size for ground source heat pump borings must be of sufficient size to allow placement of the heat exchange loop and, tremie pipe, but in no case shall the bore hole diameter be less than six inches when one inch loop pipe is installed. When a loop pipe greater than one inch is utilized, the size of the bore hole will be determined by ecology.

(f) Grouting of an uncased bore hole. Grouting (sealing) the bore hole of a ground source heat pump boring must be completed immediately after the heat exchange loop is installed to avoid cave in of the uncased hole. The near surface area where the ground source heat pump borings will be

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connected to a manifold to connect it to the closed-loop system may be filled with earth materials.

(i) Sealing must be done with an active solids content bentonite grout slurry (minimum twenty percent active solids by weight) per WAC 173-160-221. Use of controlled density fill (CDF) is prohibited.

(ii) Sealing material placed in the bore hole shall be uncontaminated; drilling fluids must be purged from the bore hole during the installation of the sealing material. Neither cuttings from the drilling process nor drilling fluid shall be used as bore hole sealing material.

(iii) Slurry mixes of bentonite grout shall be installed by pumping through a tremie pipe in a continuous operation using a positive displacement method. Polymer additives designed to retard swelling are acceptable for use with the bentonite grout per WAC 173-160-221 (1)(a). The tremie pipe will extend the full depth of the bore hole before pumping begins. Minimum slurry volume used must be equal to or exceed the calculated annulus volume of the bore hole. Grouting material shall surround all pipes remaining in the bore hole to land surface.

(g) Grouting of a permanently cased bore hole. Grouting of cased bore holes shall be sealed in accordance with this chapter.

Exception: When the casing is perforated from bottom to land surface and is pressure grouted in accordance with WAC 173-160-381 (1)(a).

(h) Unsuccessful installation of a ground source heat pump boring. If grouting is not successful, the department must preapprove an alternate completion of the ground source heat pump boring. If an alternate completion is not approved, the well must be properly decommissioned.

(i) An open-loop system must meet the construction standards of a water well. If the withdrawal of ground water exceeds the exemption requirements of RCW 90.44.050, a water right permit is required.

(j) It shall be the responsibility of the driller to properly construct the bore hole, pressure test the loop pipe, install the loop pipe, and grout the bore hole.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-453, filed 11/21/06, effective 12/22/06.]

WAC 173-160-456 What are the minimum standards for construction of grounding wells? (1) General requirements. Grounding wells (cathodic protection wells or anode wells – These wells must be constructed in accordance with the provisions of Part One—General Requirements for Water Well Construction, chapter 173-160 WAC.

(2) Grounding wells shall be designed by an engineer, licensed in Washington state, trained in the design of corrosion protection wells.

(3) The internal materials used and size of element installed shall meet all industry standards for cathodic protection and anode wells.

(4) Grounding wells shall not pollute the waters of the state.

(5) If constructed within one hundred feet of a potential source of contamination, sealing is required to a minimum depth of fifty feet or the first significant confining layer, whichever is deeper, in accordance with WAC 173-160-241.

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(6) Where the well construction regulations cannot be met, a variance may be requested.

(7) Grounding wells twenty-five feet in depth or less are exempt from these regulations, however, commingling of aquifers is still prohibited.

(8) Driven grounding rods installed to a depth of twenty-five feet or less are exempt from these regulations.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-456, filed 11/21/06, effective 12/22/06.]

WAC 173-160-460 What is the decommissioning process for resource protection wells? (1) Resource protection wells and geotech soil borings that were not constructed in accordance with these regulations, or for which a drilling report required under this section is missing, shall be decommissioned in one of the following ways:

(a) Perforate the casing from the bottom to land surface and pressure grout the casing.

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. Each cut shall be at least one and one-half inches long.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The remainder of the casing shall be filled with cement grout, neat cement, or bentonite slurry; or

(b) Withdraw the casing and fill the bore hole with cement grout, neat cement, or bentonite as the casing is being withdrawn.

(2) Wells with an inside casing diameter equal to or greater than one inch and constructed in accordance with these regulations as verified through a field examination and review of the drilling report shall be decommissioned by filling the casing from bottom to land surface with bentonite, cement grout, or neat cement.

(3) Wells with an inside casing diameter less than one inch shall be decommissioned by pressure grouting the entire casing length.

(4) Vibrating wire piezometers installed per WAC 173-160-450 are exempt from these decommissioning procedures.

(5) Direct push wells shall be decommissioned in accordance with this section.

(6) Geotechnical soil borings, or boring, shall be decommissioned by sealing from bottom to land surface with bentonite, bentonite slurry, cement grout, or neat cement. Sealing material placed below the static water level shall be piped directly to the point of application or placed by means of a dump bailer or pumped through a tremie tube. If cement, neat cement grout, or neat cement is used to seal below the static water level in the well, the material shall be placed from the bottom up by methods that avoid segregation or dilution of the material. When used to place grout, the discharge end of the tremie tube shall be submerged in the grout to avoid breaking the seal while filling the annular space. Provided the material does not dilute or segregate and the resulting seal is free of voids, sealing material may be hand poured above the static water level.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-160-460, filed 11/21/06, effective 12/22/06; 98-18-104 (Order 98-17), § 173-160-460, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-460, filed 3/23/98, effective 4/23/98.]

WAC 173-160-990 Well construction illustrations.

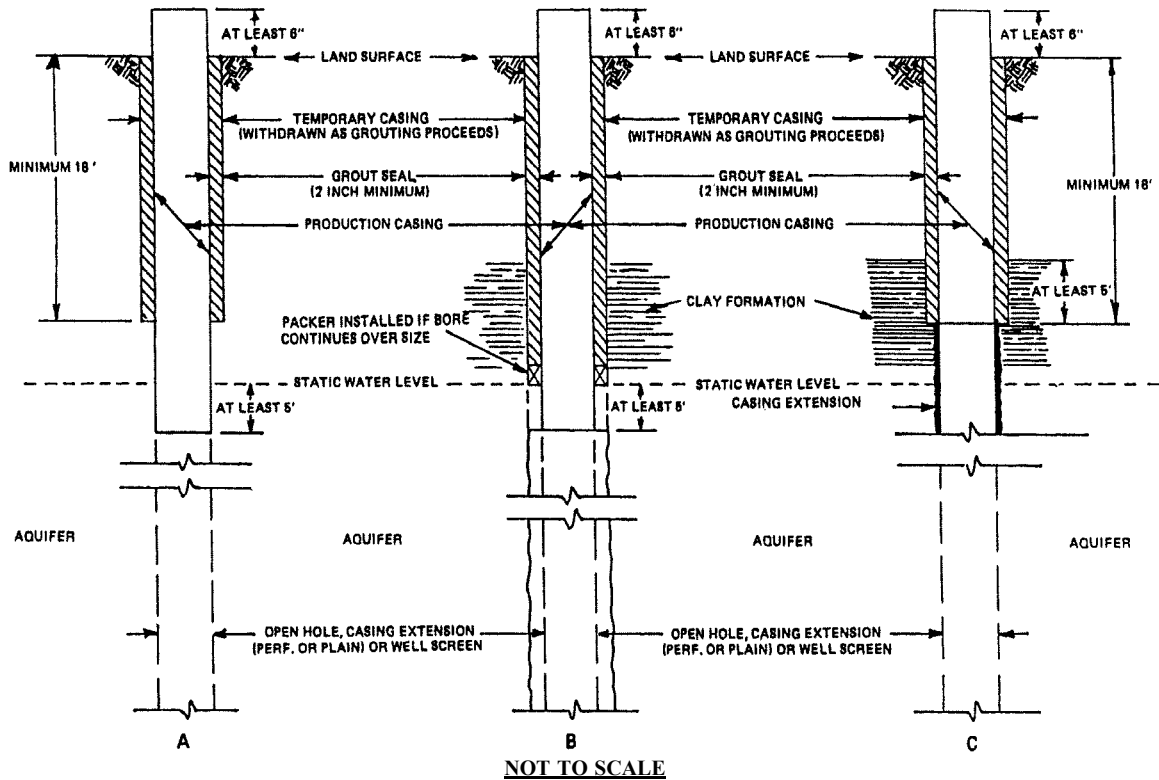


Figure 1. SEALING OF UNCONSOLIDATED FORMATIONS

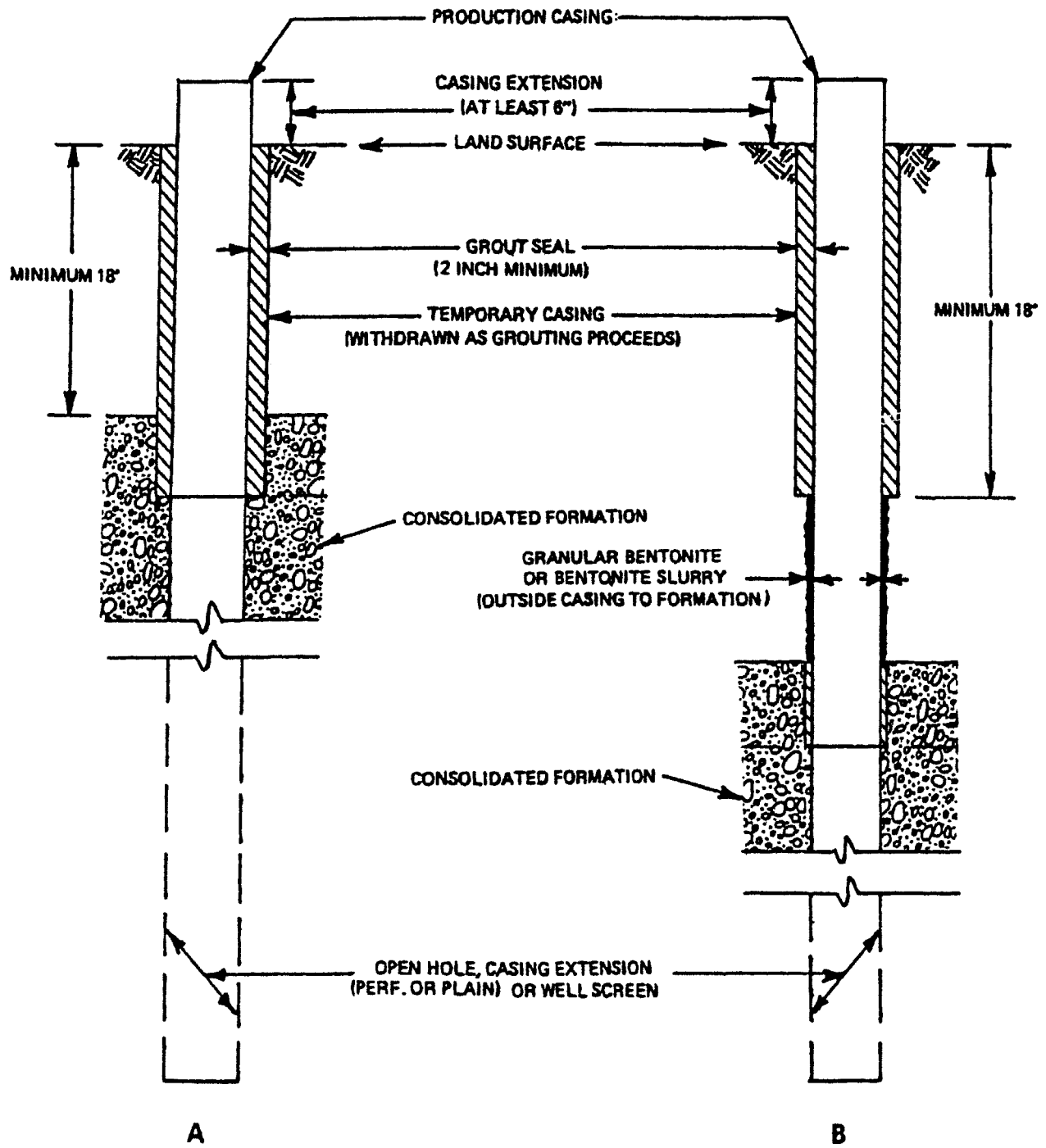


Figure 2. SEALING OF CONSOLIDATED FORMATIONS

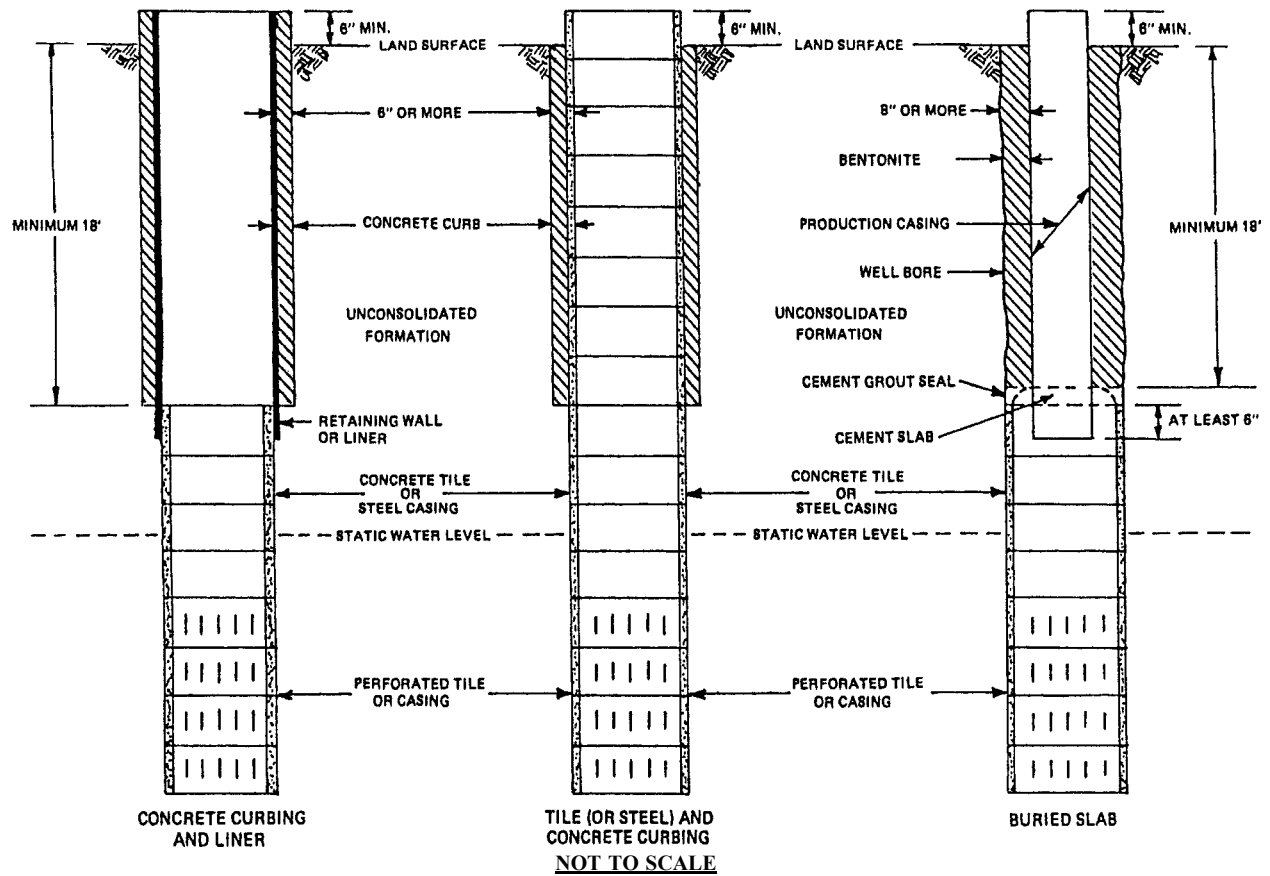


Figure 3. SEALING OF DUG WELLS

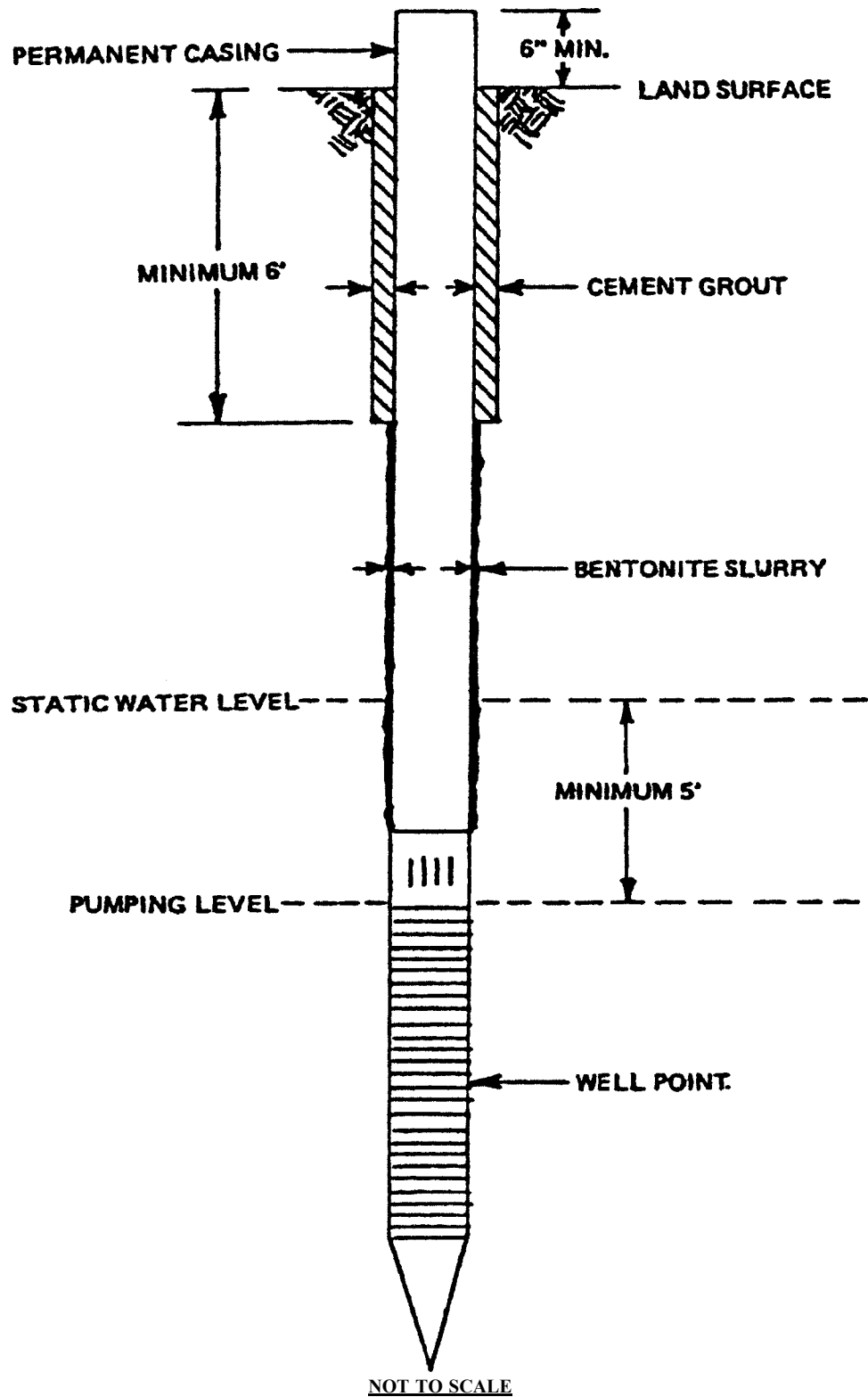
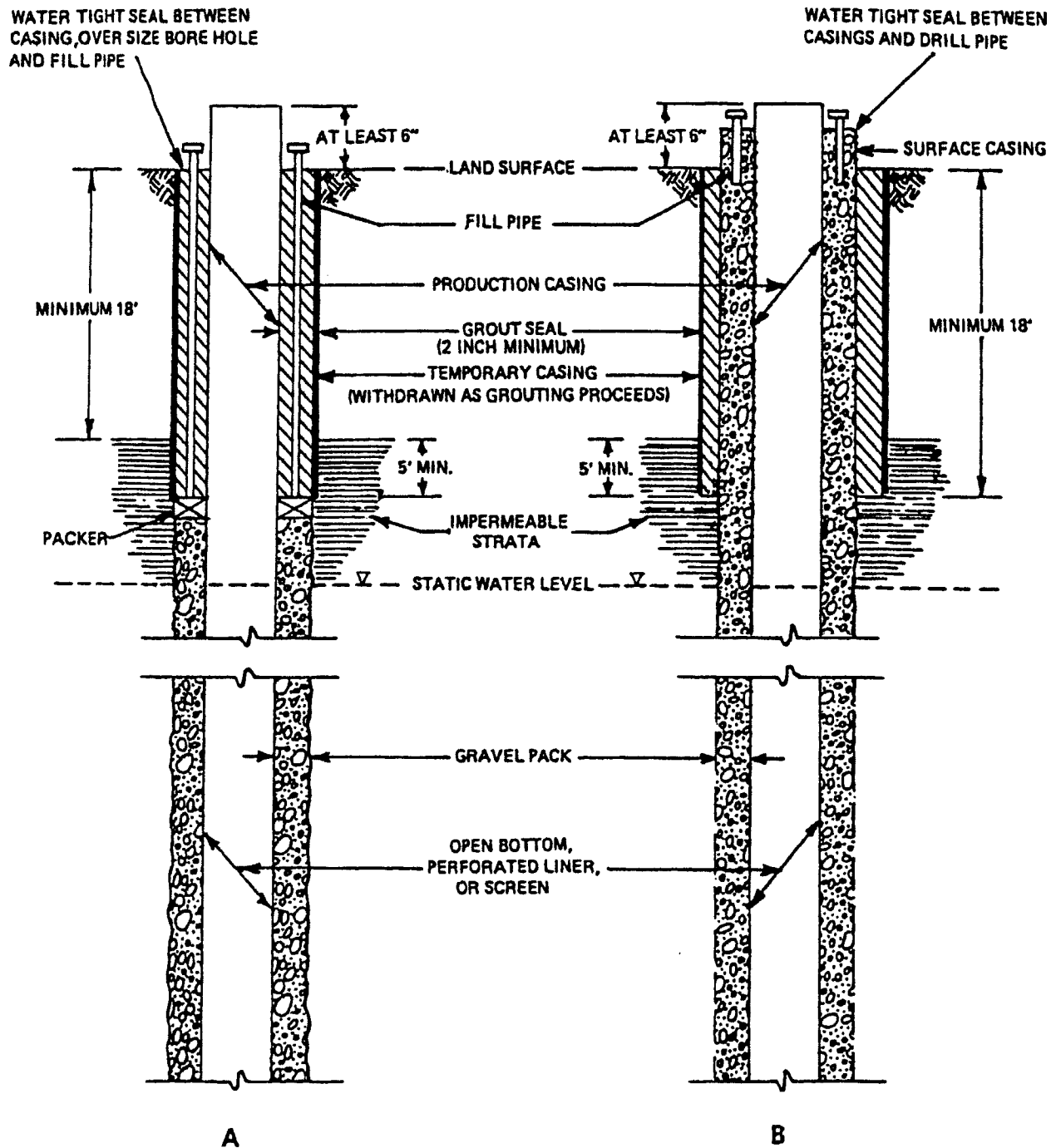


Figure 4. SEALING OF DRIVEN AND JETTED WELLS



A—WELL CONSTRUCTED WITH TEMPORARY SURFACE CASING.
 B—WELL CONSTRUCTED WITH PERMANENT SURFACE CASING.
 Figure 5. SEALING OF GRAVEL—PACKED WELLS

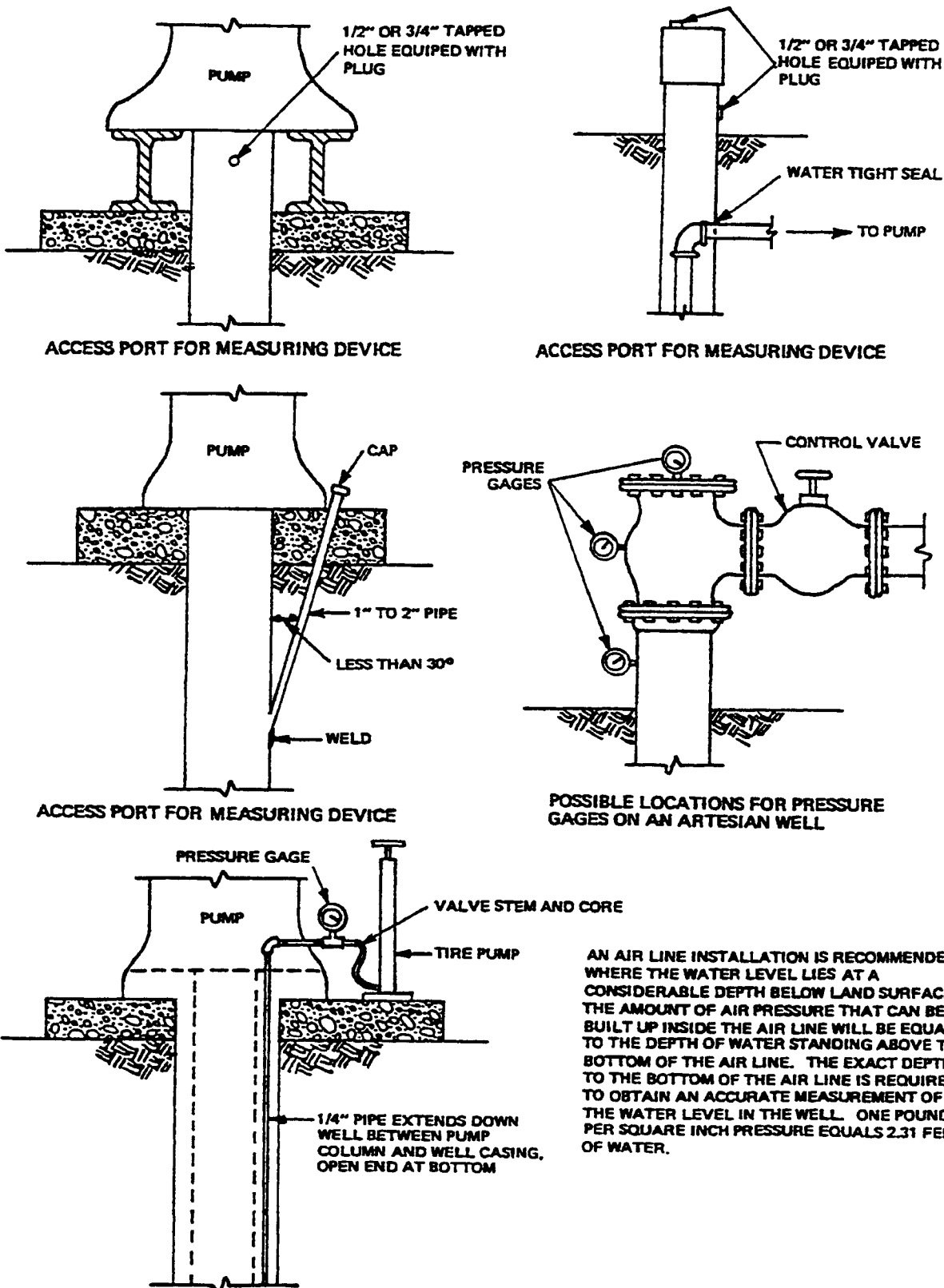


Figure 6. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIR LINES FOR MEASURING WATER LEVELS IN WELLS

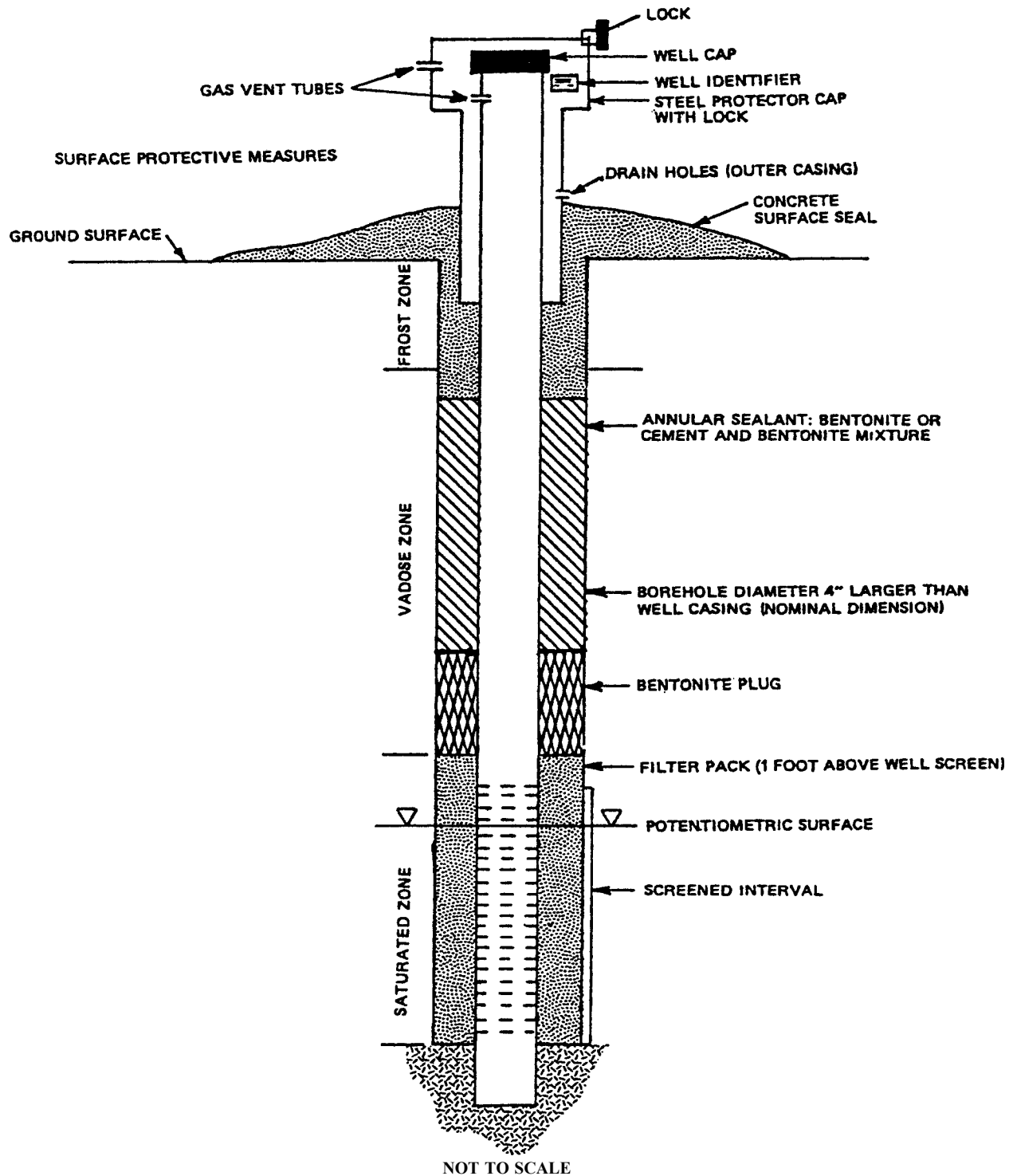


Figure 7. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION.

[Statutory Authority: Chapter 18.104 RCW. 98-18-104 (Order 98-17), § 173-160-990, filed 9/2/98, effective 10/3/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-032 (Order 97-08), § 173-160-990, filed 3/23/98, effective 4/23/98.]

Chapter 173-162 WAC
REGULATION AND LICENSING OF WELL
CONTRACTORS AND OPERATORS

WAC

173-162-010	What is the purpose of these regulations?
173-162-020	To whom do these regulations apply?
173-162-025	What are the reasons for suspending or revoking an operator license?
173-162-030	How are the words and phrases used in this chapter?
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173-162-050	Who is exempt?
173-162-055	What types of operator licenses are available?
173-162-060	How do you qualify for each license?
173-162-070	What application fees are required?
173-162-075	How often do I need to renew my license?
173-162-080	What are the conditions and cost of renewing a drilling license?
173-162-085	Continuing education.
173-162-090	Examinations—Notification of examinations.
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173-162-100	Examinations—Type of examinations.
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173-162-130	Licenses—General.
173-162-190	What are the responsibilities of well contractors and their agents?
173-162-200	What are the department of ecology's enforcement options?
173-162-210	Can I appeal enforcement actions?
173-162-220	Regulation review.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

173-162-110	Examinations—Conducting examinations. [Order DE 73-10, § 173-162-110, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-162-140	What are the requirements to become an on-site testing advisor? [Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-140, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-140, filed 4/6/88; Order DE 73-10, § 173-162-140, filed 6/29/73.] Repealed by 06-23-121 (Order 06-08), filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW.
173-162-150	Licenses—Conditional license. [Order DE 73-10, § 173-162-150, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-162-160	Temporary authorization. [Order DE 73-10, § 173-162-160, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-162-170	Retaking examination. [Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-170, filed 4/6/88; Order DE 73-10, § 173-162-170, filed 6/29/73.] Repealed by 98-08-031 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-162-180	Water well contractors—Identification numbers. [Order DE 73-10, § 173-162-180, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.

WAC 173-162-010 What is the purpose of these regulations? These regulations are adopted under chapter 18.104 RCW in order to establish procedures for the examination, licensing and regulation of well contractors and operators.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-010, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-010, filed 4/6/88; Order DE 73-10, § 173-162-010, filed 6/29/73.]

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WAC 173-162-020 To whom do these regulations apply? These regulations apply to all well contractors and operators who are contracting for well construction or constructing wells in the state of Washington.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-020, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-020, filed 4/6/88; Order DE 73-10, § 173-162-020, filed 6/29/73.]

WAC 173-162-025 What are the reasons for suspending or revoking an operator license? (1) In cases other than those relating to the failure of a licensee to renew a license, the director may suspend or revoke a license issued pursuant to this chapter for any of the following reasons:

(a) For fraud or deception in obtaining the license;
 (b) For fraud or deception in reporting under RCW 18.104.050;

(c) For violating the provisions of this chapter, or of any lawful rule or regulation of the department or the department of health.

(2) The director shall immediately suspend any license issued under this chapter if the department of social and health services has determined that the holder of the license is not in compliance with the support order or a residential or visitation order issued pursuant to chapter 74.20A RCW. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(3) No license shall be suspended for more than six months, except that a suspension under subsection (2) of this section shall continue until the department receives a release issued by the department of social and health services stating that the person is in compliance with the order.

(4) No person whose license is revoked shall be eligible to apply for a license for one year from the effective date of the final order of revocation.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-025, filed 3/23/98, effective 4/23/98.]

WAC 173-162-030 How are the words and phrases used in this chapter? See other definitions under chapter 173-160 WAC.

(1) "Constructing a well" or "construct a well" means:
 (a) Boring, digging, drilling, or excavating a well;
 (b) Installing casing, sheeting, lining, or well screens, in a well;

(c) Drilling a geotechnical soil boring; or
 (d) Installing an environmental investigation well.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(2) "Continuing education provider" is any person, organization, school or other entity involved in education that has received approval from the department for their continuing education plan and curriculum.

(3) "Continuing education unit" is one credit approved by the department for time spent participating in training or instruction in subject areas approved by the department.

(4) "Decommissioning" means to fill or plug a well so that it will not produce water, serve as a channel for move-

ment of water or pollution, or allow the entry of pollutants into the well or aquifers.

(5) "Department" means the department of ecology.

(6) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a land slide, or protecting an aquifer.

(7) "Director" means director of the department of ecology.

(8) "Domestic water supply" is any water supply which serves a family residence(s).

(9) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(10) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(11) "Environmental investigation well" means a cased hole intended or used to extract a sample or samples of ground water, vapor, or soil from an underground formation and which is decommissioned immediately after the sample or samples are obtained. An environmental investigation well is typically installed using direct push technology or auger boring and uses the probe, stem, auger, or rod as casing. An environmental investigation well is not a geotechnical soil boring.

(12) "Geotechnical soil boring" or "boring" means an uncased well drilled for the purpose of obtaining soil samples to ascertain structural properties of the subsurface.

(13) "Ground source heat pump boring" means a vertical boring constructed for the purpose of installing a closed loop heat exchange system for a ground source heat pump.

(14) "Ground water" means and includes ground waters as defined in RCW 90.44.035.

(15) "Grounding well" means a grounding electrode installed in the earth by the use of drilling equipment to prevent buildup of voltages that may result in undue hazards to persons or equipment. Examples are anode and cathode protection wells.

(16) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes bore hole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(17) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevations in either clean or contaminated water or soil.

(18) "Observation well" means a well designed to measure the depth to the water or water level elevation in either clean or contaminated water or soil.

(19) "Operator" means a person who:

(a) Is employed by a well contractor;

(b) Is licensed under this chapter; or

(c) Who controls, supervises, or oversees the construction of a well or who operates well construction equipment.

(20) "Owner" or "well owner" means the person, firm, partnership, copartnership, corporation, association, other entity, or any combination of these, who owns the property

on which the well is or will be constructed or has the right to the well by means of an easement, covenant, or other enforceable legal instrument for the purpose of benefiting from the well.

(21) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single-family residence and a system with four or fewer connections all of which serve residences on the same farm.

(22) "Remediation well" means a well intended or used to withdraw ground water or inject water, air (for air sparging), or other solutions into the subsurface for the purpose of remediating, cleaning up, or controlling potential or actual ground water contamination.

(23) "Resource protection well" means a cased boring intended or used to collect subsurface information or to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, remediation wells, environmental investigation wells, vapor extraction wells, ground source heat pump boring, grounding wells, and instrumentation wells.

(24) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(25) "Spill response well" means a well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(26) "Structured properties" means subsurface engineering properties or geotechnical information used for the purpose of designing structures such as bridges, buildings, highways, pipelines, or for assessing slope stability samples.

(27) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses, identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated. If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resources protection wells. A water right permit, preliminary permit, or temporary permit shall be obtained prior to constructing a test well unless the anticipated use of water is exempt as provided in RCW 90.44.050. A "test well" is a type of "water well."

(28) "Vapor extraction well" means a well used to withdraw gases or vapors from soil, rock, landfill, or ground water or allow air or vapor to enter subsurface soil or rock for the purpose of remediating soil and/or ground water contamination.

(29) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water. Water well includes ground source heat pump borings and grounding wells.

(30) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(31) "Well alterations" include(s), deepening, hydrofracturing or other operations intended to increase well yields or change the characteristics of the well. Well alterations does not include general maintenance, cleaning, sanitation, and pump replacement.

(32) "Well contractor" means a resource protection well contractor and a water well contractor licensed and bonded under chapter 18.27 RCW.

(33) "Well driller(s)" or "driller(s)" means a resource protection well contractor or operator and a water well contractor or operator.

(34) "Well" means water wells, resources protection wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-162-030, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-030, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-030, filed 4/6/88; Order DE 73-10, § 173-162-030, filed 6/29/73.]

WAC 173-162-040 How do I comply with licensing requirements? (1) A water well operator license is required for all operators engaged in constructing or decommissioning water wells.

(2) A water well operator training license is required for any trainee engaged in constructing or decommissioning water wells under the training program provisions of this chapter.

(3) A resource protection well operator license is required for all operators engaged in constructing or decommissioning resource protection wells and geotechnical soil borings.

(4) A resource protection well operator training license is required for any trainee engaged in constructing or decommissioning resource protection wells and geotechnical soil borings under the training program provisions of this chapter.

(5) General contractors, engineering firms, designers, consulting firms, or other entities need not have a licensed well operator in its employ: Provided, That all well construction and decommissioning associated with their various projects and/or contracts is conducted by a licensed well operator licensed under the provisions of this chapter except as provided in WAC 173-162-050.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-040, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-040, filed 4/6/88; Order DE 73-10, § 173-162-040, filed 6/29/73.]

WAC 173-162-050 Who is exempt? (1) No license under this chapter shall be required of:

(a) Any individual who personally constructs a well on land which is owned or leased by the individual, or in which the individual has a beneficial interest as a contract purchaser

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and is used by the individual for farm or single-family residential use only. Provided, the individual shall construct not more than one well every two years.

(b) An individual, except trainees, who performs labor or services for a well contractor in connection with the construction or decommissioning of a well at the direction and under the direct supervision and control of a licensed operator who is present at the construction site.

(c) A person licensed under the provisions of chapter 18.08 or 18.43 RCW if in the performance of duties covered by those licenses.

(2) An individual who constructs or decommissions a well without a license under this subsection shall comply with all other requirements of this chapter and rules adopted by the department. Those requirements include, but are not limited to:

(a) Well construction and decommissioning standards;

(b) Payment of well construction fees; and

(c) Notification of well construction required by RCW 18.104.048.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-050, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-050, filed 4/6/88; Order DE 73-10, § 173-162-050, filed 6/29/73.]

WAC 173-162-055 What types of operator licenses are available? Seven types of drilling licenses are available:

(1) Water well operator training license.

(2) Resource protection well operator training license.

(3) Resource protection well operator license.

(4) Water well operator license.

(5) Conditional licenses for water or resource protection well drilling.

(6) Retirement license for water and/or resource protection well drilling.

(7) Inactive license for water and/or resource protection well drilling.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-162-055, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-055, filed 3/23/98, effective 4/23/98.]

WAC 173-162-060 How do you qualify for each license? (1) **Training licenses.**

(a) You are qualified to receive either a water or a resource protection training license if you:

(i) Submit a completed application to the department on forms provided by the department and pay the department a seventy-five dollar application fee; and

(ii) Have completed at least six hundred hours of drilling experience working under the direct supervision of a licensed operator who has held a Washington state water and/or resource protection well drilling license for at least three years; and

(iii) Have obtained six continuing education units as approved by the department; and

(iv) Pass a written examination as provided for in RCW 18.104.080; and

(v) Pass an on-site examination by the department; and

(vi) Present a statement by a person or persons licensed under this chapter, other than a trainee, signed under penalty of perjury as provided in RCW 9A.72.085, verifying that:

(A) The applicant has acquired a minimum of six hundred hours of field experience required under this chapter; and

(B) The operator has assumed liability for any and all well construction activities of the applicant while the applicant was gaining his/her six hundred hours of field experience. The operator shall not be subject to any penalties or orders that may be issued for wells constructed by the applicant that were not the responsibility of the operator to have direct supervision and control over; and

(C) A licensed operator, except a trainee, who will sponsor the trainee, has been identified on the signed statement. The licensed operator who will be sponsoring the trainee, shall assume liability for any and all well construction activities of the trainee accomplished under the operator's control during the period of the trainee's license; and

(vii) In obtaining a statement from a well operator(s) under (a)(vi) of this subsection, an applicant who has gained drilling experience under more than one operator shall submit a statement from each operator. It is not necessary to accumulate all qualifying experience under one operator. Field experience for which a statement of verification and liability cannot be obtained, shall not be used as qualifying experience under this section.

All statements shall be entered on forms provided by the department.

(b) Terms and conditions of a training license.

(i) A person with either a resource protection or a water well training license may construct only those types of wells for which they are licensed without being under the direct supervision of a licensed operator provided:

(A) A licensed operator is available by radio, telephone, or other means of communication; and

(B) The licensed operator can reach the drill site within one hour.

(ii) A trainee shall maintain a daily drilling log identifying all work accomplished that day. The log shall remain in the possession of the trainee at all times and shall be reviewed and initialed daily by the responsible licensed operator. The drilling log shall be available for review by department and county officials whose county has received delegated authority as provided in RCW 18.104.043.

(iii) The work documented and initialed in the drilling log shall be used in your application for a license under the training program completed, licensing category of this chapter.

(iv) All verifiable work performed by a trainee under the control of a licensed operator may be carried over to subsequent operator(s) who assume liability for the trainee.

(v) A trainee may apply and qualify for both a resource protection and a water well drilling training license, provided they meet the provisions of WAC 173-162-060 (1)(a) for each license they apply for.

(2) Water well or resource protection well operator licenses.

A person shall be qualified to receive either a water or resource protection well operator license if you meet the requirements of one of the following categories:

(a) New applicant category.

Applicants who have never held a well operator license qualify if they:

(i) Submit a completed application to the department on forms provided by the department and pay the department a seventy-five dollar application fee; and

(ii) Submit proof that they have acquired five thousand four hundred hours of drilling experience under the direct supervision of a licensed well operator. Experience gained as a licensed trainee may be applied towards the experience requirements of this subsection; and

(iii) Submit proof that they have obtained thirty-two continuing education units; and

(iv) Pass a written examination as provided for in RCW 18.104.080.

(v) The department shall evaluate and approve all qualifying experience and educational training. If your qualifying drilling experience under (a)(ii) of this subsection is from another state, the department may require an on-site examination.

(b) Training program completed category.

Applicants who have held a valid training license will be qualified to receive an operator license if they:

(i) Submit a completed application to the department on forms provided by the department and pay the department a seventy-five dollar application fee; and

(ii) Submit proof that they have worked as a licensed trainee under the provisions of this chapter for at least three thousand six hundred hours; and

(iii) Have obtained fourteen continuing education units while working under the training program.

(c) Licensed experience category.

(i) Applicants who have never held an operator license in Washington state qualify if they:

(A) Submit a completed application to the department on forms provided by the department and pay the department a seventy-five dollar application fee; and

(B) Hold a valid well operator license, or equivalent, in another state and can show proof that the license has been held for a period of at least three years. The department shall evaluate and approve all experience acquired by out-of-state licensed operators; and

(C) Have obtained thirty-two continuing education units as approved by the department; and

(D) Pass a written examination as provided for in RCW 18.104.080; and

(E) Passed an on-site examination by the department. The on-site examination may be waived by the department.

(F) Proof of licensing under (c)(i)(B) of this subsection shall be submitted with the application for license. Proof of drilling experience may include drilling logs, federal or state tax records; employment records; or other records acceptable to the department.

(ii) Individuals, other than trainees, whose Washington operator license has been suspended, revoked, expired or whose license status has changed to retired or inactive may apply for a new license. These individuals qualify to receive a license if:

(A) The terms of the order of suspension or revocation have been met; and

(B) They submit a completed application to the department on forms provided by the department and pay the department a seventy-five dollar application fee; and

(C) They have obtained seven continuing education units for each year or portion of a year the license has been revoked, suspended, inactive, retired, or expired; and

(D) They pass a written examination as provided for in RCW 18.104.080; and

(E) They pass an on-site examination by the department.

(F) The written and/or on-site examination(s) under (c)(ii)(D) and (E) of this subsection may be waived by the department.

(3) Individuals who received an operator license for either water well or resource protection well drilling are qualified to receive the other license if they:

(a) Currently hold a valid well operator license under one of the categories in subsection (2) of this section; and

(b) Submit a completed application to the department on forms provided by the department and pay a seventy-five dollar application fee; and

(c) Pass a written examination; and

(d) Pass an on-site examination if their field experience was gained in another state. The department may waive the on-site examination.

(e) Submit proof of at least six hundred hours of additional well drilling experience for the other type of license you wish to obtain. **EXAMPLE** - You currently hold a water well operator license that was issued by the department after the effective date of these regulations. You also wish to be licensed to construct resource protection wells. You will qualify to receive the resource protection operator license by making an application, paying the fee, and showing proof of six hundred hours of resource protection well drilling experience, passing a written exam, and passing an on-site exam if your drilling experience was gained in another state. Proof of experience will consist of drilling reports showing you were the operator of record on at least fifteen resource protection wells, or other documentation showing experience approved by the department.

(4) Conditional license.

(a) A conditional license may be issued to a former licensed operator for the sole purpose of authorizing the well operator to comply with an order to correct a problem with a well. The terms of the license shall detail the extent and limitations placed on the well operator. This may include limitations of work to be completed on a specific well, license expiration, and any other limitation set by the department.

(b) A conditional license cannot be issued to a person who has never held an operator license issued under the provisions of this chapter.

(5) Retirement license.

(a) A person shall be qualified to receive a retirement license if you meet the following requirements:

(i) Submit a completed application to the department on forms provided by the department and pay the department a seventy-five dollar application fee; and

(ii) Hold a current active license for a minimum of ten years; and

(iii) Have no outstanding enforcement actions.

(b) The holder of a retirement license may not engage in any licensed activities. The holder of a retirement license may apply for a new license under WAC 173-162-060(2).

(6) Inactive license.

(a) A person shall be qualified to receive an inactive license if you meet the following requirements:

(i) Submit a completed application to the department on forms provided by the department and pay the department a seventy-five dollar application fee; and

(ii) Show proof of inactive status based on military documents, hospitalization records, out of country drilling or other extraordinary circumstances as determined by the department; and

(iii) Hold a current active license; and

(iv) Have no outstanding enforcement actions.

(b) Extraordinary circumstances do not include failure to notify the department of a change of address; postal service error and domestic disputes (divorce or separation).

(c) The holder of an inactive license must resubmit an application to extend inactive license status at the end of each two-year period. The holder of an inactive license may not engage in any licensed activities. The holder of an inactive license may apply for a new license under WAC 173-162-060(2).

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-162-060, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-060, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-060, filed 4/6/88; Order DE 73-10, § 173-162-060, filed 6/29/73.]

WAC 173-162-070 What application fees are required? Application fees are seventy-five dollars for each operator or training license.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-162-070, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-070, filed 3/23/98, effective 4/23/98; Order DE 73-10, § 173-162-070, filed 6/29/73.]

WAC 173-162-075 How often do I need to renew my license? (1) Licenses issued under this chapter, except a training license, shall be renewed every two years.

(2) A training license shall be valid for a period of two years from the time it was originally issued. A training license cannot be renewed. However, a one-time extension may be granted upon show of good cause by the trainee. The limit of the extension shall be for no longer than twenty-four months. The trainee will be required to earn seven continuing education units for each year or portion of a year the license is held. The department may waive the continuing education requirement of this subsection. Each request will be evaluated on a case-by-case basis. A seventy-five dollar fee will be charged for the extension.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-162-075, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-075, filed 3/23/98, effective 4/23/98.]

WAC 173-162-080 What are the conditions and cost of renewing a drilling license? (1) Between the 1993 legislation, Laws of 1997, chapter 387, and the adoption of these

regulations implementing the legislation, the well operator licenses issued and renewed by the department met the requirements of the 1993 legislation and may be renewed for either a water well or resource protection well operator license or both as provided in subsection (2) of this section.

(2) A holder of a valid license may renew the license if they:

(a) Submit a completed application on forms approved by the department; and

(b) Show proof that they successfully completed fourteen continuing education units during the past twenty-four months of the license term. A minimum of two continuing education units out of the fourteen required units must be about Washington state drilling or licensing regulations; and

(c) Pay a seventy-five dollar renewal fee for each license they wish to renew.

(3) If you fail to submit a completed application for renewal, the license shall expire at the end of its effective term. A complete application includes the submission of the renewal fee and proof of completion of the required continuing education.

(4) If your license has expired, you will have thirty days in which to renew it. The thirty-day extension period is to be used only to submit a late application and fee. It is not to be used to gain continuing education units. You must not engage in any licensed activities during this time. If you fail to submit your renewal application, fee, and proof of continuing education after the extension period has expired, you must apply for a new license as provided in this chapter.

(5) The department may refuse to renew a license if the license is currently suspended or revoked, or the licensee has not complied with an order issued by the department or has not paid a penalty imposed under RCW 18.104.155, unless the order or penalty is under appeal.

(6) Operators shall not construct or decommission a well after their license has expired.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-162-080, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-080, filed 3/23/98, effective 4/23/98; Order DE 73-10, § 173-162-080, filed 6/29/73.]

WAC 173-162-085 Continuing education. Ecology, with the assistance of the technical advisory group created in RCW 18.104.190, shall develop and administer a program for continuing education for the purpose of ensuring continued professional growth and competency of licensed operators.

(1) What is continuing education? Continuing education is your opportunity to gain additional knowledge into subjects that directly relate to the well drilling profession. It is designed to enhance your knowledge, drilling skills, and keep you informed on technological advances, as well as keeping you informed on current state and local regulations. The ultimate goal is to ensure the highest quality of professionalism in the well drilling industry. Continuing education is required of every person applying for an operator's license and for every licensed operator renewing their license. Continuing education units (CEUs) are earned by attending continuing education programs. Continuing education programs consist of approved training, classes, courses, workshops, offerings,

correspondence instructions, or other means of providing instruction.

(2) How do I obtain required continuing education units?

(a) Except as provided for in this chapter, continuing education units will only be obtained from an approved continuing education provider (a continuing education provider is: Any person, organization, school or other entity involved in education and have received approval from the department for their continuing education plan and curriculum).

(b) The department shall maintain a current list of all continuing education providers and programs. This list will be available on the department's web page and/or by request.

(c) In order to receive continuing education units you must successfully complete continuing education programs. You must be present throughout the entire instructional period in order to be eligible to receive full credit.

(3) How do I become an approved continuing education provider? Persons, organizations, schools, and other entities that provide training and education must submit a continuing education plan to the department for approval. Upon approval of the plan, the requestor becomes an approved continuing education provider. The department may waive the requirement to have a continuing education plan for colleges, universities, or other entities that have an accreditation requirement of their own.

(a) What are the required elements of a continuing education plan? A continuing education plan must contain the following required elements:

(i) Contact information. Name of the person, organizations, schools, and other entities applying to become an approved continuing education provider. Their mailing address, telephone number(s), and e-mail address. Names of a contact person(s), their mailing address, telephone number(s), and e-mail address.

(ii) Statement of qualifications. A statement of qualifications consists of a summary of the provider's experience in providing education programs; references; and lists of any licenses they hold and/or membership in any professional organizations.

(iii) Statement of resources. A statement of resources shall identify the location(s) of the continuing education program and the number of individuals required to put on the program.

(iv) Statement of organization. A statement of organization consists of a summary of how the courses will be advertised; number and frequency of classes offered during the year; a description of the method to be used to evaluate courses; a description of how attendance will be verified and reported to the department; a description of the type of proof of completion to be awarded to each student; and a cancellation policy.

(v) Statement of accountability. The statement of accountability shall justify the cost of the class and include a statement assuring delivery of courses by the provider.

(b) As provided for in this chapter, the department in consultation with the technical advisory group created in RCW 18.104.190 may waive the requirement for a provider to have a continuing education plan consistent with the goals of this WAC.

(4) How do I get credit for participating in a continuing education program and report units to the department?

(a) A person is qualified to receive continuing education units after the program has been evaluated and upon showing proof of attendance and completion of an approved continuing education program. Each continuing education provider is required to provide their students with documentation, approved by the department, showing successful completion of the program.

(b) All operators/trainees must report their continuing education units to the department prior to their license renewal date.

(c) The department will keep a record of the licensees' continuing education units as they are submitted. You may access your record through the department's web site or request a copy of your record.

(d) It is the individual's responsibility to track and maintain records of their continuing education units.

(5) General information on continuing education:

(a) Continuing education units received during a renewal period that are in excess of the requirements cannot be used for any succeeding years.

Example: A driller earning twenty continuing education units during their two-year renewal period cannot apply the six extra units towards any future renewal.

(b) New applicants may have continuing education units assigned for courses, workshops, classes, or seminars attended no more than five years prior to their application date.

(c) An individual licensed for both water well and resource protection well construction need only obtain fourteen continuing education units per renewal period.

(d) An individual applying for a new license for both a water well and resource protection well operator's license need only meet the continuing education unit requirements for one license.

(e) For new applicants or currently licensed individuals, two continuing education units must cover Washington state department of ecology laws and regulations provided by the department or their designee. This section will take effect one year from the effective date of this rule.

(6) What topics will be approved for continuing education programs? General topics include: Occupational health and safety; business and office skills; interpersonal skills; technical aspects associated with well design, construction, development, maintenance, and testing; geology and ground water sciences, safety, welding, HAZMAT training, first aid; and other topics relating directly to well construction and the ground water industry as approved by the department. The department may also request approved continuing education providers to cover certain topics in their continuing education plan based on trends or observations from department compliance officers.

(7) How will continuing education units be assigned?

(a) The following criteria shall be utilized when evaluating programs and assigning continuing education units.

(i) The subjects' relevance to the business, technical, and/or regulatory aspects of well drilling;

(ii) How well the subject will enhance the knowledge, skills, and abilities required in the well drilling profession;

(iii) Length of program; and

(iv) Final group selection.

The program syllabus must be reviewed in order to address these criteria.

(b) A program syllabus shall contain the following:

(i) Course title.

(ii) Instructor name(s).

(iii) Instructor qualifications.

(iv) Course length.

(v) Course outline, detailing specific subject material to be taught and testing schedule.

(vi) A statement regarding how the course pertains to the business, technical, regulatory, and safety aspects of well construction.

(vii) A statement regarding the goals and objectives of each class.

(viii) A statement that the class will be open to all who desire to attend.

(ix) Admission cost.

(x) A description of textbooks, supplemental readings, or materials such as safety equipment, calculators, or other items the attendee will need to provide.

(xi) The date and time of the course and driving directions.

(c) Based on the syllabus review, each continuing education program will be categorized into one of seven groups:

(i) Group one - Subjects that directly relate to the business, technical, regulatory, and safety aspects of well construction; and subjects that enhance ground water protection and increased professionalism within the drilling community.

(A) Washington well construction and licensing statutes and regulations.

(B) Construction methodology, well design, development, maintenance, and testing.

(C) Protection of the ground water resource.

(D) Hydrogeology and ground water science.

(E) Equipment operation and maintenance.

(F) Computer skills.

(G) Welding.

(H) Business management and office skills.

(I) Interpersonal skills.

(J) Occupational health and safety.

(K) Map reading skills.

(L) Local and state health regulations.

(M) DOT regulations.

(ii) Group two - Subjects that will improve the industries' knowledge and understanding of subjects related to ground water.

(iii) Group three - Subjects not covered under group one or two, but benefit the driller in their professional development.

(A) Vendor specific product/sales courses.

(B) Pumps.

(iv) Group four - Miscellaneous courses.

(A) College courses.

(B) Correspondence courses.

(C) Trade school courses that do not fall into another group.

(v) Group five - Attending conventions (trade show).

(A) Washington Ground Water Association.

(B) National Ground Water Association.

(C) Pacific Northwest Expo.

(D) Other state recognized conventions.

(vi) Group six - Preapproved classes.

(A) OSHA HAZWOPPER 40 hour basic course - 20 credits.

(B) OSHA HAZWOPPER 8 hour refresher - 4 credits.

(C) Red Cross 8 hour first aid/CPR - 4 credits.

(D) Others as approved by the department.

(vii) Group seven - Programs for which no credits are assigned.

(d) A program will be assigned continuing education unit(s) based on the group that best describes the training session and the published length of the training session.

The following is a unit value for each group:

Group one - One unit per hour.

Group two - One-half unit per hour.

Group three - One-quarter unit per hour.

Group four - Unit value equal to the education credit, not to exceed four continuing education units per license renewal period or trainee applicant. No more than eight for all other applicants.

Group five - One unit per convention.

Group six - As listed.

Group seven - No unit value.

(e) Operators/trainees who have attended continuing education programs that were not previously approved may receive continuing education units by providing an application to become a provider and class syllabus form to the department.

(f) Individuals may receive continuing education units for preparing and presenting classes as follows:

(i) No continuing education units will be assigned for class preparation/presentation to nondrilling audiences.

(ii) One continuing education unit per hour of presentation and one CEU per hour of preparation time. Continuing education units allowed for preparation time are limited to no more than twice the time it took to present the course. Example - one hour class, no more than two hours preparation time allowed. Total three CEUs.

(g) All continuing education programs must be open to anyone who wants to attend. This requirement does not preclude a provider from imposing reasonable requirements for attendees such as, but not limited to, fees, space limitations and providing their own safety equipment.

(8) What is the department's role in providing continuing education?

(a) The department shall approve all continuing education programs and assign continuing education units required by this chapter. The technical advisory group shall assist the department in their evaluation by reviewing continuing education programs and recommending assignment of continuing education units on classes referred to them by the department.

(b) The department will provide technical support including those meeting the requirements in subsection (5)(e) of this section, in the form of speakers and materials for use in continuing education programs to approved continuing education providers upon request and at their sole discretion.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-162-085, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-085, filed 3/23/98, effective 4/23/98.]

WAC 173-162-090 Examinations—Notification of examinations. Upon receipt of a properly completed application, the department shall notify the applicant of the date, time and place of the next scheduled examination. All incomplete application forms will be returned for completion. The applicant should notify the department if the examination schedule cannot be met and the reasons therefor.

[Order DE 73-10, § 173-162-090, filed 6/29/73.]

WAC 173-162-095 What should I know about the written and on-site examinations? The written and on-site examinations for licenses issued under this chapter are prepared, administered, and evaluated by the department.

(1) What subjects will the written exam cover? The examinations are prepared to test the knowledge and understanding of the following subjects:

(a) Washington state ground water laws as they relate to constructing and decommissioning wells;

(b) Sanitary standards for constructing wells;

(c) Types of well construction and decommissioning;

(d) Drilling techniques, tools and equipment;

(e) Geology (including soil and rock description) as it relates to well construction;

(f) Rules and regulations of the department relating to constructing a well, test pumping, and equipment maintenance;

(g) Preparation of intent forms, well reports, and requests for variances;

(h) Township and range location system as it relates to location of wells;

(i) Basic ground water hydraulics as it relates to well construction and protection of the resource; and

(j) Rules and regulations of the Washington state department of health relating to source approval and source protection of public drinking water systems.

(2) What subjects will the on-site test cover?

The on-site examination shall test the applicant's field skills and knowledge in the following areas:

(a) Safety.

(b) General knowledge of equipment operation.

(c) Equipment maintenance.

(d) Drilling knowledge.

(e) Well development.

(f) Implementation of the construction standards under chapter 173-160 WAC.

(3) When and where are the written examinations given?

(a) Examinations will be held at such a time and place as may be determined by the department, but not later than thirty days after the department accepts the completed application package consisting of:

(i) A completed application form with appropriate fee; and

(ii) Proof of required continuing education; and

(iii) Proof of required drilling experience.

(b) Upon receipt of a completed application package, the department shall notify you of the date, time and place of the next scheduled written examination. You shall notify the department at least twenty-four hours prior to your scheduled exam date if you cannot meet the examination schedule. Your notice shall include the reason(s) why you cannot meet the

schedule. If you fail to notify the department, or fail to reschedule your exam within thirty days of your initial exam date, you will forfeit your application and fee. You must submit a new application and fee in accordance with WAC 173-162-060 if you wish to take the exam.

(c) If your application package is received after an examination has been scheduled and there is either insufficient time for the department to notify you of the time and place of the examination or you are unable to take the examination at the scheduled time, the thirty-day period will start from the scheduled examination date.

(4) When and where are the on-site examinations given?

(a) You must pass the written exam before you can take the on-site exam.

(b) If you are required to take an on-site examination you will receive an authorization form along with the confirmation of your written test results.

(c) You and the department will schedule a mutually agreed upon time and place for the on-site exam. RCW 18.104.080 requires that examinations be held within thirty days after a completed application is filed with the department.

(d) You shall arrange for all the equipment, materials, and location for the on-site examination.

(e) The department must be present during the on-site examination.

(5) When will I be notified of the results of my written and on-site examination?

The department shall notify you of your test results within ten days after each examination.

(6) If I fail an exam, may I take a retest?

(a) If you fail the written or on-site exam, you shall not be entitled to take the examination, or any parts of the examination for a period of thirty days from the date of your original examination.

(b) If you failed to pass the written exam, you are considered a new applicant in all respects.

(c) If you fail the on-site exam, you will be required to arrange a retest after a thirty-day waiting period. You will not be required to retake the written exam.

[Statutory Authority: Chapter 18.104 RCW. 06-23-121 (Order 06-08), § 173-162-095, filed 11/21/06, effective 12/22/06. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-095, filed 3/23/98, effective 4/23/98.]

WAC 173-162-100 Examinations—Type of examinations. The examinations shall be prepared, administered and evaluated by the department. They shall be broken down into sections including a basic general category and specialist categories including but not necessarily limited to cable tool, rotary, driven and dug well construction technology. The examination shall be prepared to test the knowledge and understanding of the following subjects:

(1) Washington ground water laws as they relate to well construction;

(2) Sanitary standards for water well drilling and construction of water wells;

(3) Types of well construction;

(4) Drilling tools and equipment;

(5) Underground geology as it relates to well construction;

(6) Rules and regulations of the department and the department of social and health services relating to well construction;

(7) Preparation of well reports;

(8) Township and range location system as it relates to location of wells; and

(9) Basic ground water hydraulics as it relates to well construction.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-100, filed 4/6/88; Order DE 73-10, § 173-162-100, filed 6/29/73.]

WAC 173-162-120 Examinations—Notification of examination results. The department shall make a determination of the applicant's qualifications for a license within ten days after the examination and notify said applicant of the results within ten days after such determination.

[Order DE 73-10, § 173-162-120, filed 6/29/73.]

WAC 173-162-130 Licenses—General. It is the intent of the department in its implementation of the licensing phase of the Washington Water Well Construction Act to effect a smooth transition of this requirement into the well construction industry without causing undue hardship on individuals and/or businesses whose livelihood is dependent upon continuing work in this field.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-130, filed 4/6/88; Order DE 73-10, § 173-162-130, filed 6/29/73.]

WAC 173-162-190 What are the responsibilities of well contractors and their agents? (1) The well contractor shall be responsible for designating an agent to represent its dealing with the department.

(2) The agent must be a Washington state licensed operator other than a trainee.

(3) The agent shall notify the department of all licensed operators and trainees who are working for the well contractor.

(4) Notification shall be made within ninety days of enactment of this regulation.

(5) After the initial notification, the agent shall notify the department of all terminations and new hires within thirty days.

(6) The well contractor shall notify the department within thirty days of making any change of agent.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-190, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-190, filed 4/6/88; Order DE 73-10, § 173-162-190, filed 6/29/73.]

WAC 173-162-200 What are the department of ecology's enforcement options? In enforcement of this chapter, the department of ecology may impose sanctions that are appropriate under authorities vested in it, including issuance of regulatory orders under RCW 43.27A.190, civil penalties under RCW 90.03.600 and 18.104.155, and criminal penalties under RCW 18.104.160.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-200, filed 3/23/98, effective 4/23/98. Statu-

tory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-200, filed 4/6/88.]

WAC 173-162-210 Can I appeal enforcement actions? Yes, you can appeal the department of ecology's decision to the pollution control hearings board. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made under this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-210, filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-210, filed 4/6/88.]

WAC 173-162-220 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-220, filed 4/6/88.]

Chapter 173-166 WAC

EMERGENCY DROUGHT RELIEF

WAC

173-166-010	Purpose.
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173-166-050	Forecast of drought conditions.
173-166-060	Orders declaring drought conditions.
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173-166-080	Temporary transfers of water rights.
173-166-090	Funding assistance—General criteria.
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173-166-110	Funding assistance—Fisheries criteria.
173-166-120	Requests for drought relief—Contacts—Applications.
173-166-130	Appeals.
173-166-140	Regulation review.

WAC 173-166-010 Purpose. The legislature in 1989 gave permanent drought relief authority to the department of ecology and enabled ecology to issue orders declaring drought emergencies. Chapter 171, Laws of 1989 amends chapter 43.83B RCW (Water supply facilities).

(1) Chapter 171, Laws of 1989 authorizes the Washington state department of ecology (ecology) to assist in alleviating future drought conditions throughout the state, and sets forth the criteria and procedures for implementing the 1989 drought relief legislation.

(2) Ecology has authority under chapter 171, Laws of 1989 to:

(a) Issue emergency permits to withdraw public waters as an alternate source of water supply.

(b) Approve water right transfers between willing parties.

(c) Provide funding assistance for eligible drought projects and measures.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-010, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-010, filed 3/10/78.]

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WAC 173-166-020 Authority. This regulation is promulgated by the department of ecology under authorities and procedures provided in chapter 171, Laws of 1989 after notification as provided in chapter 34.05 RCW.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-020, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-020, filed 3/10/78.]

WAC 173-166-030 Definitions. As used in this chapter:

(1) "Ecology" is the department of ecology.

(2) "Drought conditions" are water supply conditions where a geographical area or a significant part of a geographical area is receiving, or is projected to receive, less than seventy-five percent of normal water supply as the result of natural conditions and the deficiency causes, or is expected to cause, undue hardship to water users within that area.

(3) "Essential minimum" for the fisheries resource is:

(a) That amount of water or flow rate established as a regulation adopted by ecology pursuant to RCW 90.22.020 or 90.54.050;

(b) That amount of water or flow placed as a proviso on a water right permit or certificate; or

(c) That amount of water or flow established on an interim basis to assure the maintenance of fisheries requirements. Such a determination will be made by ecology, in consultation with, among others, the departments of fisheries and wildlife, any concerned federal agencies and affected Indian tribes.

(4) "Executive water emergency committee (EWEC)" is a committee, chaired by the governor's office, including members of state, local, and federal agencies which reviews water supply information provided by the water supply availability committee and determines potential effects of water shortages upon the state of Washington. Affected Indian tribes will be invited to participate.

(5) "Geographical area" is an area within the state of Washington which can be described either by natural or political boundaries and which can be specifically identified in an order declaring a drought emergency. Examples of specific geographical areas include, but are not limited to:

(a) The state of Washington.

(b) Counties.

(c) Water resource inventory areas (WRIAs) as defined in chapter 173-500 WAC.

(d) Individual watersheds which constitute only a portion of a WRIA but whose boundaries can be topographically described.

(e) Ground water management areas and subareas as defined in chapter 173-100 WAC.

(f) Designated sole source aquifers.

(g) Combinations of the above areas.

(6) "Normal water supply" is:

(a) For the purpose of the determination of drought conditions, the average amount of water available to a geographical area on an annual basis, based upon evaluation of precipitation, streamflow, snowpack and other hydrological and meteorological factors.

(b) For the purpose of eligibility for drought assistance:

(i) That amount of water put to beneficial use during the irrigation season for the irrigation of one or more crops, using reasonably efficient practices, including reasonable convey-

ance losses, under a valid water right permit or certificate, or a supported registered water right claim; or

(ii) That amount or flow of water required for normal operations of fish hatchery or fish passage facilities. Such facilities, where required by law, must be operating under a valid water right permit or certificate, or under a supported registered water right claim; or

(iii) The median amount or flow of water that is historically required to provide normal instream habitat conditions for the existing fishery population.

(7) "Previously established activities" include:

(a) The irrigation of a specified number of acres, using reasonably efficient practices, under a valid water right permit or certificate, or a supported registered water right claim.

(b) Those fish-management activities presently employed to maintain the fisheries resource. The resource itself must neither be restored nor enhanced by drought relief actions available under the provisions of this chapter.

(c) The delivery of water by public and private entities through existing supply systems to present populations, areas, and/or facilities for purposes that are nonagricultural and nonfishery related.

(8) "Reasonably efficient practices" are those practices including, but not limited to, methods of conveyance, use, and disposal of water which are reasonable and appropriate under the circumstances to bring about water use efficiency as determined by an area-specific application of criteria identified by ecology, which may include, among others:

(a) Customary practices in the area;

(b) Reasonableness of any facilities at the time of installation;

(c) Cost of improvements and impacts of the costs of upgrading facilities on the continued use of water by an appropriator;

(d) Changes in water use practices and technology; and

(e) Impact of alternative water use practices on other water uses and the environment.

(9) "Supported registered water right claim" is a registered water right claim which includes sufficient evidence to satisfy ecology that a valid water right would be confirmed should the claim be adjudicated. Applications made for emergency drought permits, water transfers, or funding assistance under this chapter must incorporate, either by reference or inclusion, necessary information to enable ecology to make an informed determination with respect to the claim. Such information may include, but is not limited to:

(a) Documentation of continuous historical exercise of the claimed right;

(b) Historical maps depicting the historical means of irrigation and the areas covered by the claimed right;

(c) Legal documentation, including any previous court or administrative board decisions, which addresses the historical nature and extent of the claimed right;

(d) "Old-timer" testimony which addresses the historical nature and extent of the claimed right.

(10) "Water supply availability committee (WSAC)" is a committee, with a core membership consisting of ecology, the National Weather Service, the Soil Conservation Service, the U.S. Geological Survey, the U.S. Bureau of Reclamation, and other federal agencies involved in water supply forecasting, which reviews pertinent hydrological and meteorological

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information and assesses water supply conditions for the state of Washington.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-030, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-030, filed 3/10/78.]

WAC 173-166-040 General eligibility rule. (1) Applications for emergency drought permits, water transfers, or funding assistance made under this chapter will be processed only for previously established activities in a geographical area or part of a geographical area declared to be suffering from drought conditions. Where required by law, such activities must be conducted under a valid water right permit, certificate, or supported registered water right claim.

(2) Applications will be processed if the water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply for the previously established activity and experiencing undue hardship as a result.

(3) All permits and approvals issued under this chapter will be subject to existing rights.

(4) Water obtained through the issuance of temporary permits, water right transfers, and/or funding assistance for projects or measures must be put to beneficial use in lieu of water which is unavailable because of drought conditions.

(5) All permits and approvals issued under this chapter will be of a temporary nature and will contain an expiration date.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-040, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-040, filed 3/10/78.]

WAC 173-166-050 Forecast of drought conditions.

(1) Whenever it appears to the department of ecology that drought conditions as defined in WAC 173-166-030(2) either exist or are forecast to occur, ecology will consult with the state's water supply availability committee or its successor. Other appropriate sources of water supply information, such as the Columbia River water management group and the U.S. Army Corps of Engineers, may be consulted by the WSAC as needed.

(2) Should the water supply availability committee determine that a geographical area or a part of a geographical area is receiving, or is likely to receive, seventy-five percent or less of its normal water supply, it will advise the executive water emergency committee and the Indian tribes within the area of that fact. The executive water emergency committee will then make a determination as to whether or not undue hardships will occur as a result of the shortage.

(3) Should the executive water emergency committee determine that an area will suffer undue hardship as a result of a reduced water supply, it will submit a recommendation to that effect to the governor for written approval. Affected Indian tribes will be notified at the time such a recommendation is submitted.

(4) Upon securing the written approval of the governor, ecology will then issue an order declaring a geographical area or a significant part of a geographical area to be suffering from drought conditions and publish that order in a newspaper of general circulation in the area affected by the order.

(5) The determination of drought conditions will be based upon the updated seasonal forecast as applied to the

water supply conditions within the designated geographical area or part of a designated geographical area.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-050, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-050, filed 3/10/78.]

WAC 173-166-060 Orders declaring drought conditions. (1) If the department of ecology determines that a geographical area or part of a geographical area is suffering from drought conditions, it may, upon the advice of the water supply availability committee, with the concurrence of the executive water emergency committee, and the written approval of the governor, issue an order to that effect.

(2) The order declaring drought conditions for a geographical area or part of a geographical area must contain the following elements:

(a) A description of the geographical area or part of a geographical area which is being so designated.

(b) The facts leading to the issuance of the order.

(c) The statutory authority upon which the order is being issued.

(d) The commencement date and termination date of the order. The termination date may be no later than one calendar year from the date the order is issued.

(e) Brief descriptions of the actions which are possible under the order.

(f) Provisions for the termination of withdrawals if essential minimum flows are jeopardized.

(3) Ecology must publish the order declaring a geographical area or a part of a geographical area to be suffering from drought conditions in a newspaper of general circulation in the area affected by the order.

(4) Persons may file written protest as to the contents of the order with ecology. Ecology will have fifteen calendar days from the date of receipt of the protest in which to make a determination as to its validity, using the procedure specified in WAC 173-166-050.

(5) A person who believes that an area should be declared to be suffering from drought conditions may petition ecology for such a declaration. Upon the receipt of such a petition, ecology will have fifteen calendar days from the date of receipt of the petition in which to make a determination as to its validity, using the procedure specified in WAC 173-166-050, and provide a decision to the applicant. The petition should contain the following information:

(a) A description of the geographical area or part of a geographical area which is being requested for designation.

(b) The nature of the relief sought in requesting such a designation.

(c) The facts upon which the petition is based.

(6) Orders declaring areas to be suffering from drought conditions may, with the written approval of the governor, be amended one or more times to change the termination date, provided that the termination date of the order, as amended, is no more than two calendar years from the date the order is first issued.

(7) Orders declaring areas to be suffering from drought conditions may be issued for different areas of the state and sequentially for the same area if drought conditions persist.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-060, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-060, filed 3/10/78.]

WAC 173-166-070 Emergency drought permits.

Ecology may allow water users to obtain water from alternate sources during drought conditions. To accomplish this, ecology may issue emergency drought permits authorizing withdrawals of ground water and surface water, including dead storage in reservoirs. Permits will be processed under the following criteria:

(1) Applicants must be conducting a previously established activity within a geographical area or part of a geographical area declared to be suffering from drought conditions.

(2) An application will be processed if the water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the previously established activity and experiencing, or is expected to experience, undue hardship as a result.

(3) Ecology, plus all state and local agencies with authority to issue permits or other authorizations in connection with emergency actions authorized under the provisions of this chapter, will have fifteen calendar days from the date of receipt of the respective application(s) in which to provide a decision to the applicant. Agencies with authority to review applications for emergency drought permits, such as under RCW 75.20.050, and affected Indian tribes will have fifteen calendar days from the date ecology receives the application in which to provide ecology with an opinion as to any effects of the proposed withdrawal.

(4) Waters authorized to be withdrawn must be used in relation to a previously established activity as defined in this chapter. The permit must not cover irrigation of new lands, restoration or enhancement of the fisheries resource, or a water supply in addition to the normal amount used in the past by individuals, private entities, or public bodies.

(5) Waters to be withdrawn must constitute an alternate (supplemental) water supply to the user's normal source of water.

(6) The withdrawal must not reduce flows or levels below essential minimums necessary to assure the maintenance of fisheries requirements and to protect federal and state interests including, but not limited to, power generation, navigation, water quality, and existing water rights.

(7) Emergency drought permits issued under this chapter will be temporary in nature and must expire no later than the expiration date of the order declaring the area in which the permitted activity is authorized to be suffering from drought conditions.

(8) Priority will be given to domestic and irrigation uses of water for any emergency withdrawals authorized under this chapter.

(9) Emergency drought permits issued under this chapter must contain provisions for termination should the withdrawal reduce flows or levels below essential minimums as defined in this chapter.

(10) To expedite the issuance of emergency drought permits, ecology is authorized to process the applications and issue the permits without compliance with requirements for:

- (a) Notice of newspaper publication.
- (b) The State Environmental Policy Act.

[Statutory Authority: RCW 43.83B.420, 91-03-081 (Order 90-53), § 173-166-070, filed 1/17/91, effective 2/17/91. Statutory Authority: Chapters 43.83B and 43.27A RCW, 88-13-037 (Order 88-11), § 173-166-070, filed 6/9/88.]

WAC 173-166-080 Temporary transfers of water rights. (1) Ecology may approve emergency water right changes in order to effect a transfer of water between willing parties. Water right changes can include purpose of use, place of use, and point of diversion.

(2) Examples of possible water right transfers include, but are not limited to, the following situations:

(a) A water right holder may choose to reduce irrigated acreage and transfer the unused water to another water right holder whose normal water supply is decreased by drought conditions. The acreage irrigated with transferred water on the second parcel may not exceed the acreage reduction on the first parcel.

(b) A water right holder may transfer a water right from an out-of-stream use to an instream use.

(c) Municipalities or other public bodies may transfer water between one another.

(3) Requests for water right transfers will be processed under the following criteria:

(a) Applicants must be conducting a previously established activity within a geographical area or part of a geographical area declared to be suffering from drought conditions.

(b) An application for a water right transfer will be processed if the recipient water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the previously established activity and experiencing, or is expected to experience, undue hardship as a result.

(c) All approvals by ecology for water right transfers under this chapter will be temporary in nature and will be for the purpose of alleviating drought conditions. These approvals must terminate no later than the expiration date of the order which declares the area to be suffering from drought conditions.

(d) Water right transfers between willing parties may be approved when an emergency exists only if such a transfer will not affect existing rights whatsoever, or reduce flows or levels below essential minimums, or adversely affect federal and state interests including, but not limited to, power generation, navigation, and water quality.

(e) Water rights may be transferred within areas declared to be suffering from drought conditions. Water rights may also be transferred from outside an area declared to be suffering from drought conditions into an area declared to be suffering from drought conditions, provided such a transfer of water is physically possible and is consistent with the provisions of RCW 90.03.380, 90.03.390, and 90.44.100. Water rights will not be transferred from within an area declared to be suffering from drought conditions to outside that area.

(f) To expedite water transfers during drought conditions, ecology can approve temporary changes in water rights without compliance with requirements for:

- (i) Notice of newspaper publication.

- (ii) The State Environmental Policy Act.

(g) In those cases where temporary water transfers require court approval while general adjudication proceedings are ongoing, ecology will assist the court in coordination, maintaining communications, and providing technical assistance when requested.

(h) The temporary changing of a water right under this chapter will not be admissible as evidence in either supporting or contesting the validity of water claims in a general adjudication of water rights in the state of Washington.

(i) Ecology, plus all state and local agencies with authority to issue permits or other authorizations in connection with emergency actions authorized under the provisions of this chapter, will have fifteen calendar days from the date of receipt of the respective application(s) in which to provide a decision to the applicant. Agencies with authority to review applications for temporary water right transfers, such as under RCW 75.20.050, and affected Indian tribes will have fifteen calendar days from the date ecology receives the application in which to provide ecology with an opinion as to any effects of the proposed transfer.

[Statutory Authority: RCW 43.83B.420, 91-03-081 (Order 90-53), § 173-166-080, filed 1/17/91, effective 2/17/91.]

WAC 173-166-090 Funding assistance—General criteria. Ecology may provide funding assistance to public bodies for projects and measures designed to alleviate drought conditions relating to agricultural and fisheries survival. Funding is available from emergency agricultural water supply funds under RCW 43.83B.300. Funding assistance will be based upon the total funds available at the beginning of the current biennium. General criteria under which funds will be provided:

(1) Public bodies eligible to receive emergency funds are defined in RCW 43.83B.050 as ". . . the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington."

(2) The public body applying for emergency funds must be conducting the previously established activity for which they seek funding assistance within an area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(3) The public body applying for emergency funds must be receiving, or be projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the previously established activity for which they seek funding assistance and experiencing, or be expected to experience, undue hardship as a result.

(4) Funding assistance will be for planning, acquisition, construction, rehabilitation, and improvement of water supply facilities and for other appropriate measures to assure the survival of irrigated agriculture and the state's fisheries resource.

(5) Funding assistance will be available only for projects or measures undertaken in response to drought conditions

which are beyond the normal scope of operations of the public body applying for emergency funds.

(6) No more than ten percent of total available funds will be allocated for nonagricultural drought relief purposes, including the preservation of the state's fisheries during a given biennium.

(7) Funding assistance may be in the form of a loan or a grant or a combination loan and grant.

(8) Loans, grants, or combination loans and grants may be used as matching funds in cases where federal, local, or other funds are also available.

(9) Emergency loans may be approved with a payback period not to exceed fifteen years, with the interest rate to be equal to the final discount rate established for one year U.S. Treasury Bills at the first auction following the beginning of the state fiscal year in which the loan is approved.

(10) Ecology, plus all state and local agencies that are affected by the proposed project or measure, in keeping with the emergency nature of these provisions, will process the respective application(s) and provide a decision(s) to the applicant in an expeditious manner.

(11) To expedite the implementation of drought relief projects and measures, ecology can approve funding assistance without compliance with requirements for:

(a) Notice of publication.

(b) The State Environmental Policy Act.

[Statutory Authority: RCW 43.83B.420, 91-03-081 (Order 90-53), § 173-166-090, filed 1/17/91, effective 2/17/91.]

WAC 173-166-100 Funding assistance—Agricultural criteria. (1) Funding assistance to alleviate drought conditions in irrigated agriculture will be provided under the following formula:

(a) No single entity will receive more than ten percent of the total funds available for drought relief.

(b) A loan may be made for up to ninety percent of total eligible project costs.

(c) A combination loan and grant may be made for up to one hundred percent of total eligible project costs.

(d) A grant or the grant portion of a combination loan and grant may be made for twenty percent of total eligible project costs if the public body being provided funds is within a geographical area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(e) The grant or grant portion of a combination loan and grant may be made for up to forty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty percent or less of normal seasonal water supplies.

(f) A grant or the grant portion of a combination loan and grant may be amended to increase the grant up to forty percent of eligible project costs if drought conditions as defined in this chapter change after a grant has been signed for twenty percent of eligible project costs, provided:

(i) That the grantee qualifies for the higher grant as defined in (e) of this subsection; and

(ii) That the original grant agreement has not been terminated or closed out.

(g) The grant or grant portion of a combination loan and grant, once signed by all parties, may not be reduced despite any subsequent improvement in water supply conditions.

(2) Eligibility conditions for each proposed agricultural project or measure are:

(a) The proposed project or measure must be within an area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(b) The public body applying for emergency funds must be receiving, or be projected to receive, less than seventy-five percent of normal water supply and experiencing, or be expected to experience, undue hardship as a result for the previously established activity for which they seek funding assistance.

(c) The proposed project or measure must be for a beneficial use involving a previously established activity or purpose.

(d) The proposed project or measure must assist in alleviating a water shortage.

(e) The public body receiving the loan must satisfy ecology as to its ability to repay the loan and complete the project or measure.

(f) Water derived from the project or measure must be put to beneficial use as a substitute for water not available because of a drought.

(g) Water derived from the project or measure must not be used to irrigate new lands.

(h) The proposed project or measure must not adversely affect existing rights, including both instream and out-of-stream rights.

(i) All required permits and approvals for the proposed project or measure must be obtained by the applicant prior to a loan or grant agreement being signed.

(3) Eligible projects that may be funded for drought relief of irrigated agriculture include, but are not limited to:

(a) Pumps and accessories.

(b) Discharge lines.

(c) Pipelines.

(d) Canals and laterals with control structures.

(e) Liners for leaky pipes and canals.

(f) Diversion structures.

(g) Reregulating reservoirs.

(h) Measuring devices.

(i) Wells with pumps and accessories.

(4) Eligible measures that may be funded include the means for implementing water conservation procedures, acquiring alternate water sources, or transferring water rights, provided that the proposed measure represents an additional cost to the applicant as the result of drought conditions, and not as a substitute for normal water supply costs.

(a) Types of eligible measures for implementing water conservation procedures include, but are not limited to:

(i) Irrigation scheduling programs and activities, including the necessary personnel to accomplish such activities.

(ii) Education programs.

(b) Types of eligible measures for acquiring alternate water sources or transferring water rights include, but are not limited to:

(i) Water leasing fees.

(ii) Repair costs.

(iii) Power costs.

(5) Priority will be given to those proposed agricultural projects and measures which:

(a) Need additional water supplies. Need will be measured by:

(i) The short-term and long-term effects that the water shortage would have on the applicant's crops in the absence of drought relief;

(ii) The capability and reliability of the proposed project or measure to provide an emergency water supply to the applicant;

(iii) The percent of water shortage expected for each applicant.

(b) Are the most effective in achieving long-term reductions (conservation) in water requirements and/or more efficient use of available supplies.

(c) Present no, or minimal, overall environmental impacts, including any detrimental effects to wetlands. Any such impacts should be identified to the best extent possible by the applicant at the time of application.

(6) Preference will be given to those public bodies implementing water conservation plans, water system efficiency improvements, and other drought contingency actions in addition to the funding assistance applied for under this chapter.

[Statutory Authority: RCW 43.83B.420, 91-03-081 (Order 90-53), § 173-166-100, filed 1/17/91, effective 2/17/91.]

WAC 173-166-110 Funding assistance—Fisheries criteria. (1) Ecology may provide funding assistance to alleviate drought conditions affecting the state's fisheries resource provided that no other capital budget funds are available for these purposes at the date of application, as verified by the office of financial management. Funding assistance will be based upon the following formula:

(a) A loan may be made for up to ninety percent of total eligible project costs.

(b) A combination loan and grant may be made for up to one hundred percent of total eligible project costs.

(c) A grant or the grant portion of a combination loan and grant may be made for twenty percent of total eligible project costs if the public body being provided funds is within a geographical area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(d) The grant or the grant portion of a combination loan and grant may be made for up to forty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty percent or less of normal seasonal water supplies.

(e) A grant or the grant portion of a combination loan and grant may be amended to increase the grant up to forty percent of eligible project costs if drought conditions as defined in this chapter change after a grant has been signed for twenty percent of eligible project costs, provided:

(i) That the grantee qualifies for the higher grant as defined in (d) of this subsection; and

(ii) That the original grant agreement has not been terminated or closed out.

(f) The grant or grant portion of a combination loan and grant, once signed by all parties, may not be reduced despite any subsequent improvement in water supply conditions.

(g) No more than ten percent of total funds available at the beginning of the current biennium will be allocated for

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nonagricultural drought relief purposes, including the preservation of the state's fisheries, during that biennium.

(2) Eligibility conditions for each proposed fisheries project are:

(a) The project lies within a geographic area declared to be suffering from drought conditions.

(b) The proposed project must assist in alleviating the water shortage.

(c) Water from the proposed project must be put to beneficial use as a substitute for water not available because of the drought.

(d) Water derived from projects that are provided funding assistance must not be used to restore or enhance the fisheries resource.

(3) Eligible projects that may be funded for the protection of fish culture at hatcheries from drought conditions include, but are not limited to:

(a) Purchase and installation of water-reuse pumps.

(b) Modifying hatchery outlet structures.

(c) Modifying stream channels adjacent to a hatchery to assure passage to the holding pond.

(d) Provision and maintenance of oxygen levels in off-site holding ponds by purchase and installation of bottle gas (using air stones), or oxygen generation systems, or mechanical aeration.

(4) Eligible projects that may be funded to protect instream fish habitat from drought conditions include, but are not limited to:

(a) Augmentation of instream flows through transfers of diversionary surface and ground water rights.

(b) Augmentation of instream flows through temporary withdrawals of ground waters.

(c) Stream channel modification such as trenching, sand-bagging, or berming to protect spawning gravels.

(5) Eligible projects that may be funded to optimize fish survival during drought conditions include, but are not limited to:

(a) Capture and relocation of stranded fish.

(b) Stream channel modification such as trenching, sand-bagging, or berming to provide migratory channels for fish passage.

(6) The departments of fisheries and wildlife, plus any potentially affected Indian tribes, will be consulted to verify eligibility, needs, and nature of all proposed fisheries projects and measures.

(7) Preference will be given to those public bodies implementing water conservation plans, water system efficiency improvements, and other drought contingency actions in addition to the funding assistance applied for under this chapter.

[Statutory Authority: RCW 43.83B.420, 91-03-081 (Order 90-53), § 173-166-110, filed 1/17/91, effective 2/17/91.]

WAC 173-166-120 Requests for drought relief—Contacts—Applications. (1) Information regarding implementation of this chapter, and applications for emergency drought permits, water right transfers, and/or funding assistance can be obtained from the ecology headquarters office,

water resources program, or from any of the four ecology regional offices. Ecology regional offices are located in Redmond, Spokane, Tumwater, and Yakima.

(2) Copies of statutes and regulations cited in this chapter may be obtained from the ecology headquarters office in Olympia.

(3) Ecology actions pertaining to the determination of which areas are suffering from drought conditions, the issuance of orders declaring areas to be suffering from drought conditions, plus any actions concerning protests of such declarations or petitions for consideration for such a designation will be conducted by the ecology headquarters office, water resources program.

(4) Ecology actions pertaining to emergency drought permits and water right transfers will be conducted by the appropriate ecology regional office.

(5) The ecology headquarters office, water resources program, will administer funding assistance and manage the drought relief program in accordance with the provisions of this chapter.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-120, filed 1/17/91, effective 2/17/91.]

WAC 173-166-130 Appeals. All final written decisions of the department of ecology made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with the provisions of chapter 43.21B RCW.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-130, filed 1/17/91, effective 2/17/91.]

WAC 173-166-140 Regulation review. The department of ecology will initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-140, filed 1/17/91, effective 2/17/91.]

Chapter 173-170 WAC

AGRICULTURAL WATER SUPPLY FACILITIES

WAC

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173-170-100	Yakima River Basin Water Enhancement Project—Funding.
173-170-110	Fisheries and recreational facilities—Funding.
173-170-120	Supplemental guidelines.

WAC 173-170-010 Purpose and authority. The purpose of this chapter is to establish requirements for the grant and loan program covering rehabilitation, improvement, and construction of agricultural water supply facilities pursuant to Referendum 38, chapter 43.99E RCW. The department shall provide grants and loans to applicants for water supply facilities for agricultural use alone or in combination with fishery, recreational, or other beneficial uses of water. In this regard,

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an objective of providing state assistance to public bodies engaged in irrigation shall be to assist those entities in improving their efficiency of water use beyond current levels.

Note: All statutes, rules, or regulations cited in this chapter are available for review at Department of Ecology, P.O. Box 47600 Olympia, WA 98504-7600.

[Statutory Authority: Chapter 43.99E RCW, Referendum 38, and RCW 90.54.040. 03-07-104 (Order 02-11), § 173-170-010, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-010, filed 10/2/90, effective 11/2/90.]

WAC 173-170-020 Definitions. (1) "Department" means the Washington state department of ecology.

(2) "Agreement" means a binding legal document containing all applicable terms and conditions pertaining to loans and/or grants entered into under Referendum 38 which is signed by the program manager for the department's water resources program and by the duly authorized official of the applicant.

(3) "Agricultural water supply facility" means a water supply and distribution system used for agricultural purposes and owned or operated by a public body, including but not limited to all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to the acquisition, construction, installation, or use of any such water supply or distribution system.

(4) "Applicant" means the public body making a request for financial assistance under Referendum 38.

(5) "Class A project" means a construction element associated with an agricultural water supply facility which:

(a) Results in improved water use efficiency and/or quantitative water savings as determined by the department; and

(b) Is one or more of the following: (i) Canal and lateral linings; (ii) piped conveyance and distribution system; (iii) consolidation and/or realignment of delivery systems; (iv) flow measuring devices, e.g., flow control devices; (v) entire structures/regulating structures (which are new or replace obsolete ones) including: (A) Checks, (B) checkdrops, (C) siphons, (D) turnouts, (E) flumes, (F) reregulation reservoirs; (vi) multiple use water storage dams and reservoirs; (vii) automation with central control of regulating structures including on-off control of pumping plants in canals and laterals; (viii) new booster pumps for pressurized systems; (ix) project pumping plants;

(c) In the event there are technological advances that increase water use efficiency and/or result in significant water savings that are not described in (a) of this subsection, such project element(s) will be evaluated as a Class A project by the department.

(6) "Class B project" means a construction element associated with an agricultural water supply facility which:

(a) Does not contribute to quantitative water savings as determined by the department; and

(b) Is one or more of the following: (i) In-line water withdrawal pumping plant; (ii) well drilling, well pumps; (iii) diversion dams; (iv) replacement, rehabilitation, or improvement of in-line booster pump(s); (v) rehabilitation or improvement of storage dam(s) or part(s) thereof.

(7) "Emergency project" means a capital improvement construction element to repair, due to natural causes (except drought), water supply, diversion or conveyance facilities,

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which is necessary to prevent unsafe conditions or ensure the continued delivery or conveyance of water in the agricultural water supply system.

(8) "Financial assistance" means grants and loans as authorized by chapter 43.99E RCW, Referendum 38.

(9) "Fisheries facility" means a construction element associated with an agricultural water supply facility which:

(a) Is identified as an integral element of a project for the construction, rehabilitation, and/or improvement of an agricultural water supply facility; and

(b) Will provide recognized benefits to the anadromous and/or resident fish species of the state.

(10) "Implementation phase" means the acquisition, design, construction, and improvement of agricultural water supply facilities within an irrigation district or a specific area or drainage basin for storing, diverting, transporting, or distributing water to land for irrigation and for protecting and enhancing fisheries, recreational, or other beneficial uses that may be associated with such facilities.

(11) "Local clearinghouse" means the county or regional comprehensive planning agency designated to serve as a coordinating office for certain local areas. A list of clearinghouses is available from the department. The local clearinghouses review proposed projects for conformance to regional plans, ask for comments from other agencies, and relay these remarks back to the applicant. This process helps assure that policies and comprehensive plans of cities, counties, or regions will be followed.

(12) "Payment schedule" means the due dates for loan payments and any interest thereon, as included in the loan agreement.

(13) "Planning phase" means the preparation of a comprehensive water conservation plan which conforms with WAC 173-170-060, which covers the applicant's entire jurisdiction and service area.

(14) "Plans and specifications" means engineering information and calculations to support the project and construction drawings with necessary engineering detail of the project and complete material specifications and standards to support the drawings and project. These will be prepared in sufficient detail and, upon approval by the department, become part of the bid documents which allow contractors to bid on and construct agricultural water supply facilities or attendant fisheries facilities or recreational facilities or a portion thereof.

(15) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal or public corporation thereof; an agency of the federal government; and those Indian tribes which may constitutionally receive grants or loans from the state of Washington.

(16) "Recreational facility" means a water and/or water-associated system which:

(a) Is identified as an integral element of an agricultural water supply facility; and

(b) Will provide recognized benefits for human use and recreation through fishing, boating, water skiing, swimming, rafting, picnicking, and/or camping.

(17) "Referendum 38" means the grant and loan financial assistance program and its procedures, which pertain to agricultural water supply facilities alone or in combination with fishery, recreational, or other beneficial uses of water, as authorized in chapter 43.99E RCW.

(18) "Request for financial assistance" means the formal application packet, as described in WAC 173-170-030 and 173-170-060, submitted to the department requesting grant and/or loan funds to accomplish an eligible project.

(19) "Water use efficiency elements" means those implementation projects or portions thereof which result in reduced operational and conveyance losses and improved delivery of requisite amounts of water to farms within the limits of the pertinent water right permit or certificate.

(20) "Yakima River Basin Water Enhancement Project" (YRBWEP) is a federal, tribal, state and local cooperative program for improving water supply, habitat and stream flow conditions in the Yakima River Basin of Washington. The project was originally authorized by Congress in 1979 with subsequent implementing legislation being passed in 1984 for fish passage improvements and in 1994 for water conservation and related elements.

[Statutory Authority: Chapter 43.99E RCW, Referendum 38, and RCW 90.54.040. 03-07-104 (Order 02-11), § 173-170-020, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-020, filed 10/2/90, effective 11/2/90.]

WAC 173-170-030 Application process—Planning phase. (1) Requests for financial assistance for the planning phase shall be submitted to the department between November 1 of any year and the last day of February of the following year.

(2) The applicant shall submit an application form with the following minimum information:

(a) Who shall prepare the comprehensive plan;

(b) A projected completion date for the comprehensive plan;

(c) A United States Geological Survey Quadrangle or comparable map of the area to be covered by the comprehensive plan.

(3) Requests for loan funding must be accompanied by a resolution executed by the applicant's governing body that they will follow the procedures for indebtedness in chapter 87.03 RCW and establish a reserve account into which funds will be deposited in an amount adequate to provide coverage for principal and interest payments due under the loan agreement, whenever circumstances beyond the applicant's control preclude payments from standard sources.

(4) Within ninety days of receipt of the request for financial assistance, the department will notify the applicant of its preliminary findings regarding eligibility. In all cases the department shall make its final selection of funded projects and notify the applicants no later than May 31 following the application period.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-030, filed 10/2/90, effective 11/2/90.]

WAC 173-170-040 Comprehensive water conservation plan—Contents—Funding. The comprehensive water conservation plan, which is the ultimate work product due at the end of the planning phase, will address and provide information on the following topics for the geographical area indicated in the request for financial assistance:

Applicant Organization

(1) Applicant's statutory authority; history of organization management; assessment authority; and operation procedures and management policies.

Land Base and Land Use

(2) Layout map showing:

(a) Boundaries of the applicant's jurisdiction and service area;

(b) Location of: (i) The lands which are assessed by the applicant, and (ii) those lands to which water is delivered in accordance with the water rights or water right claims or otherwise;

(c) Land use information including total acres irrigated over a representative historical period and cropping patterns for each year of a recent five-year period.

Water Supply, Use, and Rights

(3) Layout map showing location of: (a) Natural features (streams, rivers, lakes, ground water aquifers) including those in the watershed(s) where the water supply originates; and (b) all of the applicant's existing water supply facilities inside and out of its service area.

(4) Information on the applicant's and/or pertinent individual's water rights and/or water right claims for irrigation water supply, including ongoing or future water rights or water rights claims, conflicts, and litigation.

(5) Hydrologic water supply data including historical records of surface water availability (natural flows and storage), and ground water pumpages and other pertinent aquifer data on availability for withdrawal for water supply purposes.

(6) Quantities of surface water diverted and/or ground water withdrawn for water supply for each year of a recent five-year period. (Annual and monthly acre-feet and maximum and minimum monthly flows in cubic feet per second (cfs) for surface water and gallons per minute (gpm) for ground water.)

(7) Identify and assess the hydrological water flow system within the applicant's service area as it pertains to the quantities of water: (a) Diverted or withdrawn, (b) conveyed and distributed, (c) delivered and applied on farm, (d) which recharge the ground water and are returned to the agricultural water supply system, and (e) which comprise return flows for further irrigation downstream within the agricultural water supply system.

(8) Identify the quality of water supply and an assessment of the water quality impacts from use of the agricultural water supply system within the applicant's jurisdiction.

Present Facilities and Operations

(9) Identify and describe the present physical system utilized for the storage, diversion, pumping, conveyance, and distribution of the water supply.

(10) Assess and evaluate the existing water supply system including system efficiencies and energy use.

Water Needs and Adequacy of Water Supply

(11) Forecast future trends of land use.

(12) Estimate irrigation water requirements for the present and anticipated land use and cropping patterns.

(13) Relate the water needs to present water supply available.

Evaluation of Opportunities for Improvements in Water Supply and Distribution System Efficiencies

(14) Identify improvements in water supply and distribution system efficiencies (structural and nonstructural).

(15) Document a system improvements and rehabilitation plan, prepare preliminary designs and cost estimates, and estimate time frame for implementation. Identify location of improvements on layout map.

(16) Quantify the reasonable net water savings that would result from the efficiency improvements.

(17) Identify and describe opportunities for improving irrigation water management.

(18) Quantify any net energy savings that would result from efficiency improvements.

(19) Evaluate the socioeconomic impacts from the efficiency improvements and rehabilitation plan and changes or modifications of the systems operations and management policies. Discuss and quantify the benefits that accrue from the implementation of the improvements and rehabilitation plan.

(20) Assess and evaluate the impacts and benefits of transferring the net water savings to other water uses and resources.

(21) Identify associated wetlands and assess the impacts on them from implementation of the physical system's improvements and rehabilitation plan.

(22) Evaluate the impacts on water quality standards from implementation of the physical system's improvements and rehabilitation plan.

(23) Evaluate other environmental impacts from the efficiency improvements and rehabilitation plan. Develop a plan regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA) if applicable.

Financial

(24) Develop a financial program that addresses the implementation of the improvements and rehabilitation plan. The financial program should include, among other elements, a time schedule for completing the comprehensive water conservation plan, a summary of the applicant's current indebtedness and repayment plans, present and future operation, maintenance and energy costs (with and without implementation of the proposed project), and a schedule of assessments to cover planned indebtedness to complete implementation of the comprehensive water conservation plan.

[Statutory Authority: Chapter 43.99E RCW, Referendum 38, and RCW 90.54.040. 03-07-104 (Order 02-11), § 173-170-040, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-040, filed 10/2/90, effective 11/2/90.]

WAC 173-170-050 Planning phase—Funding. (1) As available and awarded, financial assistance for the planning phase will be provided in the form of:

(a) Grants in the amount of fifty percent of the total eligible phase costs; and

(b) Concurrent loans in the amount of forty percent of the total eligible phase costs.

(2) Loans shall be for a maximum five-year period, repayable at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following July 1 of the state fiscal year in which the loan agreement is entered into, discounted by four percent.

(3) Comprehensive water conservation plans must precede the implementation phase for projects approved after the effective date of these rules.

(4) Financial assistance for the planning phase, regardless of the form it takes, may not exceed two hundred thousand dollars per applicant.

[Statutory Authority: Chapter 43.99E RCW, Referendum 38, and RCW 90.54.040. 03-07-104 (Order 02-11), § 173-170-050, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-050, filed 10/2/90, effective 11/2/90.]

WAC 173-170-060 Application process—Implementation phase. (1) Requests for financial assistance for the implementation phase shall be submitted to the department between November 1 of any year and the last day of February of the following year.

(2) The applicant will submit two preapplication forms to the nearest local clearinghouse; one for the department and one for planning and community affairs. These forms are available from either the department or the clearinghouse.

(3) The applicant shall accompany the request for financial assistance with a copy of the completed comprehensive water conservation plan as approved by the department indicating which part(s) of the plan the proposed project fits under and the location of the proposed project on a United States Geological Survey Quadrangle map or any other comparable and readily available map.

(4) Within ninety days of receipt of the request for financial assistance, the department will notify the applicant of its preliminary findings regarding eligibility as to organization, type of project, purpose(s) of project, and conformance with the objectives of Referendum 38. In all cases the department shall make its final selection of funded projects and notify the applicant no later than May 31 of the year following the close of the current application period.

(5) Requests for loan funding must be accompanied by a resolution executed by the applicant's governing body that they will follow the procedures for indebtedness in chapter 87.03 RCW and establish a reserve account into which funds will be deposited in an amount adequate to provide coverage for principal and interest payments due under the loan agreement, whenever circumstances beyond the applicant's control preclude payments from standard sources.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-060, filed 10/2/90, effective 11/2/90.]

WAC 173-170-070 Criteria for approval of requests for financial assistance—Implementation phase. (1) The implementation phase project(s) must be included in a comprehensive water conservation plan approved by the department.

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(2) The agricultural water supply facilities must be designed to accomplish the purpose of the planned project. Accepted engineering design principles, criteria, and concepts will be used in the design of the facilities and approved by the department. Cost estimates for the proposed project must be prepared in detail. Plans and specifications must be approved by the department prior to advertising for construction bids.

(3) The State Environmental Policy Act (SEPA) requirements for any proposed actions must be met. The SEPA rules, chapter 197-11 WAC, will be followed to determine the environmental impacts of the proposed project. A copy of the final SEPA document and any needed supporting environmental analysis must be submitted to the department.

(4) Documentation showing all lands and land rights required for satisfactory construction, operation, and maintenance of the project have been or can be acquired.

(5) The project will not be in conflict with any applicable federal, state, and local laws, orders, regulations, rules, licenses, and permits.

[Statutory Authority: Chapter 43.99E RCW, Referendum 38, and RCW 90.54.040. 03-07-104 (Order 02-11), § 173-170-070, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-070, filed 10/2/90, effective 11/2/90.]

WAC 173-170-080 Implementation phase—Funding. (1) Implementation phase projects will be categorized by the department as Class A projects or Class B projects in accordance with the definitions for those terms under WAC 173-170-020 (5) and (6).

(2) As funds are available and awarded, financial assistance for Class A projects subject to a completed comprehensive water conservation plan shall be provided in the form of:

(a) Grants in the amount of thirty percent of the total eligible project costs; and

(b) Concurrent loans in the amount of sixty percent of the total eligible project costs.

(c) The department may issue an additional portion of the funding in grants for projects with significant public benefit.

(3) As funds are available and awarded, financial assistance for Class B projects subject to a completed comprehensive water conservation plan will be provided in the form of:

(a) Grants in the amount of fifteen percent of the total eligible project costs; and

(b) Concurrent loans in the amount of seventy-five percent of the total eligible project costs.

(4) Financial assistance for implementation phase projects shall be limited to a total of two million five hundred thousand dollars per applicant regardless of the form, except that loans once fully repaid shall not be measured against the limit.

(5) Loans awarded shall be available on the following repayment and interest schedule:

(a) Loans for up to a maximum five-year period, repayable with interest at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following the beginning of the state fiscal year (July 1) in which the loan agreement is entered into, discounted by four percent.

(b) Loans for five years through a maximum ten-year period, repayable with interest at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following the beginning of the state fiscal year (July 1) in which the loan agreement is entered into, discounted by two percent.

(c) Loans for ten years through a maximum fifteen-year period, repayable with interest at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following the beginning of the state fiscal year (July 1) in which the loan agreement is entered into, discounted by one percent.

(d) Loans for fifteen years through a maximum twenty-five-year period, repayable with interest at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following the beginning of the state fiscal year (July 1) in which the loan agreement is entered into.

[Statutory Authority: Chapter 43.99E RCW, Referendum 38, and RCW 90.54.040. 03-07-104 (Order 02-11), § 173-170-080, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-080, filed 10/2/90, effective 11/2/90.]

WAC 173-170-090 Emergency projects—Applications—Designation—Funding. (1) Applications for emergency projects may be accepted at any time throughout the year. The application shall indicate:

- (a) The nature of the occurrence that caused the need for repairs;
- (b) The location of needed repairs;
- (c) A project description of the repairs; and
- (d) A summary of how the repairs fit within the long-range improvements addressed in the comprehensive water conservation plan.

If the comprehensive water conservation plan has not been completed, a summary of how the repairs fit within proposed long-range improvements.

(2) A decision on whether to fund the emergency project will be made within fifteen days of receipt of the application. The department may agree to the applicant incurring costs prior to an agreement being signed and shall so indicate by letter to the applicant.

(3) Financial assistance for emergency projects shall be in the form of loans for up to ninety percent of the total eligible project costs.

[Statutory Authority: Chapter 43.99E RCW, Referendum 38, and RCW 90.54.040. 03-07-104 (Order 02-11), § 173-170-090, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-090, filed 10/2/90, effective 11/2/90.]

WAC 173-170-100 Yakima River Basin Water Enhancement Project—Funding. (1) The Yakima River Basin Water Enhancement Project (YRBWEP) may be provided state funding by agreement with the department, to the extent that moneys are available.

(2) Funds provided under this section for YRBWEP shall be exempt from WAC 173-170-080.

[Statutory Authority: Chapter 43.99E RCW, Referendum 38, and RCW 90.54.040. 03-07-104 (Order 02-11), § 173-170-100, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-100, filed 10/2/90, effective 11/2/90.]

[Title 173 WAC—p. 326]

WAC 173-170-110 Fisheries and recreational facilities—Funding. (1) A fisheries or recreational facility element is the part of an implementation project that provides public benefits through concomitant use of water within an agricultural water supply facility. Specific elements are defined in WAC 173-170-020 (9) and (16).

(2) Financial assistance for the fisheries and/or recreational element shall be available as grants in the amount of seventy-five percent of the fisheries and/or recreational element's total eligible costs.

(3) Financial assistance for a fisheries and/or recreational element may not exceed five hundred twenty-five thousand dollars for any one applicant, which sum is not part of the cap on funding for the implementation phase, contained in WAC 173-170-080(5).

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-110, filed 10/2/90, effective 11/2/90.]

WAC 173-170-120 Supplemental guidelines. The department will publish guidelines which will describe in greater detail the financial assistance application, application review and funding issuance processes, the terms of financial assistance, and other elements of this program. These guidelines will also describe recommended methodologies for the completion of the comprehensive water conservation plan.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-120, filed 10/2/90, effective 11/2/90.]

Chapter 173-173 WAC REQUIREMENTS FOR MEASURING AND REPORTING WATER USE (Formerly chapter 508-64 WAC)

WAC

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(2007 Ed.)

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WAC 173-173-010 What is the purpose of this rule?

(1) This rule establishes standards of acceptability for measuring devices and methods, and requirements for recording and reporting water use data.

(2) All measuring devices or measuring methods required to be installed under this chapter must conform to requirements for measuring devices and methods described in this chapter, or other method(s) approved by the department.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-010, filed 12/21/01, effective 1/21/02.]

WAC 173-173-015 What are the goals of this rule?

(1) The department seeks to ensure the reliable, accurate measurement of state water that is diverted, withdrawn, stored and used so that sound decisions may be made in administering state water laws and regulations.

(2) The department has the following specific goals for the enforcement of water measurement and the reporting of measurement data:

- (a) Determining whether water is available for appropriation;
- (b) Assessing and enforcing water rights compliance;
- (c) Understanding the hydrology of surface and ground waters;
- (d) Protecting instream resources;
- (e) Managing and planning the state's watersheds;
- (f) Informing water users about how much and when water is used.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-015, filed 12/21/01, effective 1/21/02.]

WAC 173-173-020 What is the authority for this rule? (1) RCW 90.03.360 directs the department of ecology to require that diversions allowed by all new surface water permits be either metered or measured by other approved methods.

(2) RCW 90.03.360 also directs the department to require metering or measurement by other approved methods as a condition for all previously existing water rights or claims if:

- (a) The diversion or withdrawal is from waters in which the salmonid stock status is depressed or critical, as determined by the Washington department of fish and wildlife; or
- (b) The flow rate of the surface water diversion exceeds one cubic foot per second.

(3) RCW 90.44.050, 90.44.250 and 90.44.450 give the department authority to require that ground water withdrawals are measured, and to require that information about the amount of water being withdrawn be reported to the department.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-020, filed 12/21/01, effective 1/21/02.]

(2007 Ed.)

WAC 173-173-040 To whom does this rule apply?

The requirements of this chapter apply to the owner or owners of any source water diversion or source withdrawal and to the department.

(1) Any owner or owners of any surface water diversion are required by state law (RCW 90.03.360) to measure and regulate their water use.

(2) The department must enforce the requirement to measure water use for the following types of water use:

- (a) All new surface water permits;
- (b) New and existing surface water rights where the diversion of any volume of water is from waters containing depressed or critical salmonid stock;
- (c) New and existing ground water rights where the department concludes that the withdrawal of any volume of water may affect surface waters containing depressed or critical salmonid stock;
- (d) Existing surface water rights where the diversion volume exceeds one cubic foot per second.

(3) This chapter only applies to source diversions and withdrawals and is not intended to apply to customers of a municipality or public water supply system or members of an irrigation district or similar secondary users.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-040, filed 12/21/01, effective 1/21/02.]

WAC 173-173-045 Definitions. (1) "Approved measuring device" means an instrument or facility constructed and operated in conformance with the requirements of this chapter and that measures the volume or flow rate of water which is diverted, withdrawn, stored, or used.

(2) "Approved measuring method" means a procedure approved by the department, which, when used with an approved measuring device (if applicable), will allow for an accurate computation of flow rate.

(3) "Control" means a feature that determines the stage-discharge relation. This feature may be a natural constriction of the channel, an artificial structure, or a uniform cross section over a long reach of the channel.

(4) "Cfs" means cubic feet per second.

(5) "Controlling work" means a device or structure used for diverting, withdrawing, pumping, impounding, storing, measuring, piping, conserving, conveying, confining or using water.

(6) "Department" means the department of ecology.

(7) "Diversion" means to divert water from one course to another. Diversion, when used without qualification, includes the diversion of surface water and the withdrawal of ground water.

(8) "Flow rate" means the volume of water that passes through a specific cross section of a pipe or open channel in a specified period of time.

(9) "Gpm" means gallons per minute.

(10) "Open channel flow" means water moving through a canal, flume, ditch, or other unenclosed conduit, and may include flow in a pipe if the pipe is not full and is not under pressure.

(11) "Pipeflow" means water moving through a closed conduit under pressure.

(12) "Rated section" means a cross-section of a stream, river or ditch where a unique relationship between the stage and flow rate has been determined.

(13) "Rating curve" means the relationship between stage and flow rate in a rated stream section.

(14) "Responsible party" means an owner, owners, manager, or appropriator required by RCW 90.03.360, 90.44.050, 90.44.250 and 90.44.450, or by a permit, rule, or order issued pursuant to these laws, to use a measuring device or method approved by the department.

(15) "Stage" means the elevation of a water surface in relation to a datum or reference point.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-045, filed 12/21/01, effective 1/21/02.]

WAC 173-173-050 What water use information may the department require regarding my water use? (1) The department may require any responsible party to report data describing the volume of water diverted, withdrawn, used or stored, and other related information.

(2) If a responsible party is required to report information regarding water use, the report must be submitted on a form or in a format prescribed by the department and must include such information as requested by the department. The department may require that the information be submitted in writing or electronically. This information may include, but is not limited to, the following:

(a) The name, address and telephone number of the responsible party;

(b) The location of the point(s) of diversion or withdrawal, the place(s) of use and metering site(s);

(c) The county parcel identification number for the point(s) of diversion or withdrawal, and place(s) of use or area served by the diversion or withdrawal, except that municipalities, public water supply systems and irrigation

districts shall not be required to provide parcel identification numbers for their customers, members and secondary users.

(d) The water right number(s) or claim number(s) or other information that indicates the legal basis for the diversion or withdrawal;

(e) The volume and/or flow rate of water diverted or withdrawn;

(f) The make, model and serial number of the measuring device(s) and any separable counting units;

(g) The date the device was last calibrated;

(h) Any date(s) during which the meter or measuring device was not functioning properly;

(i) For flow rate data based upon power consumption, electrical records, pump test data, or other data necessary to verify flow rate estimates;

(j) Whether the intake structure for the diversion has a screen or screens installed to prevent the entry of fish into the diversion works or pump facilities;

(k) The water source name;

(l) For public water systems, the public water system identification number and source number assigned by the department of health.

(3) All responsible parties must attest that the information provided is true and correct to the best of their knowledge.

(4) The department may accept water use information from a stream patrolman on behalf of a responsible party.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-050, filed 12/21/01, effective 1/21/02.]

WAC 173-173-060 If I must report data regarding my water use, how shall I report it? (1) The following requirements to measure and report water use, when the department so requires, shall apply to responsible parties who divert or withdraw water.

Recording and Reporting Requirements			
Average diversion rate in gallons per minute	<10 gpm	10-49 gpm	>50 gpm
Recording frequency	Monthly	Biweekly	Weekly
Volume or rate to report	Maximum rate of diversion	Maximum rate of diversion	Maximum rate of diversion
	Annual total volume	Annual total volume	Annual total volume
Date data must be reported to department	By Jan. 31 of the following calendar year	By Jan. 31 of the following calendar year	By Jan. 31 of the following calendar year
Monthly means calendar month			
Weekly means Monday 12:01 a.m. to Sunday 12:00 p.m.			
Biweekly means once every two weeks			
Daily means 12:01 a.m. to 12:00 p.m.			
1 gallon per minute is equivalent to .002 cubic feet per second			

(2) Where a device capable of indicating flow rate is not installed, a responsible party may determine the maximum flow rate by measuring the volume of water that is diverted over a brief time period when the system is operating under maximum demand.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-060, filed 12/21/01, effective 1/21/02.]

WAC 173-173-080 Can the department modify the reporting requirements on a case-by-case basis? (1) Yes.

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The department may modify the reporting requirements in WAC 173-173-060 of this chapter if it concludes that different reporting requirements are necessary to meet the water measurement and reporting goals described in WAC 173-173-015.

(2) The department will provide a written justification and notification to the responsible party.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-080, filed 12/21/01, effective 1/21/02.]

WAC 173-173-090 What are the general requirements for measuring devices? (1) No withdrawal or diversion of water shall be made unless the measuring devices and facilities are in proper operating condition, except when:

(a) A measuring device or facility is being repaired according to the requirements of subsection (2) or (3) of this section; and

(b) The responsible party uses a substitute measuring device or other method to measure the diversion or withdrawal or to provide a reasonable estimate thereof.

(2) Upon discovery of a malfunctioning measuring device or facility, the responsible party shall repair the device or facility and make them operable as soon as possible.

(3) If a responsible party does not comply with WAC 173-173-090(2), the department may order that a measuring device or facility be repaired or replaced within a specified time period.

(4) Measuring devices and facilities must register and be calibrated for the full range of discharge from the diversion or withdrawal for which they are to be used.

(5) On an open channel diversion, all flow diverted shall be measured as close to the point of diversion as possible.

(6) There shall be no turnouts or diversions between the source of water and the measuring devices and facilities, except for faucets or other small outlets that have a *de minimis* effect on the diversion or withdrawal.

(7) In those cases where wells are authorized for the purpose of supplementing surface waters with water from combined sources, both sources of water shall be metered.

(8) In the case of intermittent artesian wells, the meter shall be installed in a manner that will measure both pumped and flowing discharge.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-090, filed 12/21/01, effective 1/21/02.]

WAC 173-173-100 What are the specific requirements for meters for pressure systems? (1) At any flow rate measured by the meter, the meter itself shall be rated by the manufacturer to register not less than ninety-five percent, nor more than one hundred five percent, of the water actually passing through the meter.

(2) At any flow rate measured by the measuring system; i.e., meter plus any secondary equipment such as data recorders; the system shall register not less than ninety percent, nor more than one hundred ten percent, of the water actually passing through the system.

(3) The meter shall have a visual totalizer or the facility shall be capable of totalizing the flow. The totalizer shall contain sufficient recording digits to ensure that "roll over" to zero does not occur before the next recording period.

(4) The department may require that the measuring device be capable of indicating flow rate as well as totalized flow.

(5) For other conditions necessary to ensure accurate and precise measurement data, the selection, installation and maintenance of measuring devices by water users shall be guided by generally accepted industry standards, such as the American Water Works Association standards and information from the manufacturer. These standards also shall be used by the department in making decisions as to the appropriate

selection, installation, operation and maintenance of measuring devices acceptable under this rule.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-100, filed 12/21/01, effective 1/21/02.]

WAC 173-173-110 What are the installation requirements for meters on pressure systems? Meters required under this rule shall meet the following installation requirements:

(1) The meter shall be installed in accordance with manufacturer specifications.

(2) There shall be a full pipe of water at all times when water is being withdrawn.

(3) The meter shall not be installed in a manner that creates an uneven velocity profile. Straight sections of pipe before and after the meter, straightening vanes or other flow conditioning devices shall be used to provide even flow through the meter as necessary.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-110, filed 12/21/01, effective 1/21/02.]

WAC 173-173-120 What are the operation and maintenance requirements for meters on pressure systems? (1) Meters shall be inspected and maintained as specified by the manufacturer.

(2) Meters shall be field or shop calibrated, as specified by the manufacturer. Meters also shall be field or shop calibrated and/or repaired if they are over or under registering. System diagnostics may substitute for physical calibration of nonmechanical meters.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-120, filed 12/21/01, effective 1/21/02.]

WAC 173-173-130 What are the specific requirements for measuring systems on open channels? The following requirements apply to weirs, flumes, ramps and orifices. For other devices, the department will determine specific requirements on a case-by-case basis.

(1) At any flow rate measured by the measuring system, i.e., the measuring device plus any secondary equipment such as data recorders, the system shall register not less than ninety percent, nor more than one hundred ten percent, of the water actually passing through the system.

(2) In determining a stage-discharge relation for these devices, the distribution of open channel flow measurements shall be sufficient to establish a full range of values for the entire stage-discharge relation.

(3) For other conditions necessary to ensure accurate and precise data, generally accepted industry standards, such as those in the U.S. Bureau of Reclamation *"Water Measurement Manual, Third Edition"* and information from the manufacturer or designer, shall guide the selection, installation, and maintenance of measuring devices and facilities by water users. The department also shall use these standards in evaluating the selection, installation, operation and maintenance of the measuring system.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-130, filed 12/21/01, effective 1/21/02.]

WAC 173-173-140 What are the installation requirements for open channel measuring systems? The measuring facility shall be installed or constructed in accordance with the manufacturer's and/or designer's specifications.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-140, filed 12/21/01, effective 1/21/02.]

WAC 173-173-150 What are the operation and maintenance requirements for open channel measuring facilities? (1) Rating curves shall be recalculated when there is a change in channel conditions that significantly alters flow across the control or once a year, whichever is more frequent.

(2) If the measuring system has no continuous stage recorder, an observer shall read the staff gage and record the reading as close in time as is practical before and after changes in regulation of flow occur.

(3) Measuring facilities shall be operated and maintained to ensure that discharge can be measured accurately.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-150, filed 12/21/01, effective 1/21/02.]

WAC 173-173-160 Under what conditions is the use of power consumption data acceptable to the department? (1) Use of power consumption data may be substituted for more direct flow measurement methods, provided:

(a) Use of the method is approved in writing by the department;

(b) Installation of a water meter would be unduly burdensome to the water user;

(c) The water system maintains a constant or near constant pumping or diversion rate;

(d) The power meter is dedicated to one diversion or withdrawal;

(e) A pump test is conducted for a minimum duration of two hours and is conducted under normal operating conditions;

(f) The diversion or withdrawal is not a flowing artesian well.

(2) The equation below shall be used when relying upon electrical power consumption to estimate volume or flow rate. This equation also may be used to estimate flow during short periods of meter repair or maintenance if the department finds that reasonable estimates of pump and motor efficiency are available:

$$V = \frac{318,600(kWh)(Pe_{ff})(Me_{ff})}{TDH}$$

Where: V = volume of water pumped in gallons;

318,600 = conversion factor;

kWh = number of kilowatt-hours for the time period in question; e.g., irrigation season, year or minutes;

Pe_{ff} = pump efficiency as a decimal;

Me_{ff} = motor efficiency as a decimal; and

TDH = total dynamic head of the system in feet.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-160, filed 12/21/01, effective 1/21/02.]

WAC 173-173-170 What alternative water measuring devices and methods can I use? Any responsible party may use an alternative water measuring device or method that differs from those described in this chapter, if:

(1) The method is approved in writing in advance by the department; and

(2) The device(s) and installation are certified by a registered professional engineer or other qualified person acceptable to the department to:

(a) Measure all flow diverted or withdrawn in accordance with the pipeflow or open channel accuracy requirements in WAC 173-173-100(2) and 173-173-130(1);

(b) Measure the appropriate volumes and flow rates in WAC 173-173-060;

(c) Be installed and operated according to the manufacturer's and/or designer's instructions, and other such conditions as the department may find necessary.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-170, filed 12/21/01, effective 1/21/02.]

WAC 173-173-175 May I request a variance from the technical and reporting requirements contained in this chapter? (1) Yes. Any responsible party may request in writing to the department a variance from the requirements of this chapter pertaining to the:

(a) Acceptable accuracies of measuring devices and methods;

(b) Reporting of water use data;

(c) Calculation of rating curves;

(d) Other provisions as the department may find acceptable.

(2) Provided, the department may not grant a variance from the requirements of WAC 173-173-040 or exempt a responsible party of its obligation to comply with RCW 90.03.360.

(3) No variance request shall be considered granted until the department has approved it in writing.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-175, filed 12/21/01, effective 1/21/02.]

WAC 173-173-180 What recordkeeping responsibilities do I have? All measurement notes, rating curves, calculations, and data logs should be retained as long as practicable, and copies made available to the department when requested.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-180, filed 12/21/01, effective 1/21/02.]

WAC 173-173-190 Will the department notify the Washington department of fish and wildlife about the status of my fish screens? Yes. The department will notify the department of fish and wildlife regarding the status of fish screens associated with diversions and withdrawal facilities subject to this rule.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-190, filed 12/21/01, effective 1/21/02.]

WAC 173-173-200 Does the department have authority to enforce this rule? Yes. In enforcing this chapter the department can impose such sanctions as are appropriate under the authorities vested in it, including, but not limited to, issuing regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-200, filed 12/21/01, effective 1/21/02.]

WAC 173-173-210 Can I appeal the department's order to measure my water use? Yes. Appeals may be filed with the pollution control hearings board in accordance with RCW 43.21B.230, except that appeals of orders to measure water use issued by a court conducting a general adjudication of water rights pursuant to RCW 90.03.110 through 90.03.-245 shall be filed in accordance with the applicable Washington court rules.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-210, filed 12/21/01, effective 1/21/02.]

WAC 173-173-220 Will the department review this rule in the future to determine if changes are necessary? Yes. The department will initiate a review of the rules established in this chapter if new information, changing conditions, or statutory modifications make it prudent or necessary to consider revisions to the chapter.

[Statutory Authority: RCW 90.03.360, 90.44.050, [90.44.]250, [90.44.]450 and chapter 43.21A RCW. 02-02-017 (Order 00-01), § 173-173-220, filed 12/21/01, effective 1/21/02.]

Chapter 173-175 WAC DAM SAFETY

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-175-070

Effective date. [Statutory Authority: 1995 c 8. 95-22-030 (Order 94-15), § 173-175-070, filed 10/24/95, effective 11/24/95. Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-070, filed 12/16/92, effective 1/16/93; 92-12-055 (Order 91-17), § 173-175-070, filed 6/1/92, effective 7/2/92.] Repealed by 04-16-122 (Order 03-08), filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470.

173-175-700

Applicability to projects licensed or exempted by the Federal Energy Regulatory Commission (FERC). [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-700, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.

173-175-710

Coordination between the department and the Federal Energy Regulatory Commission (FERC). [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-710, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.

173-175-720

Construction or modification of FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-720, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.

173-175-730

Construction permit fee for FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-730, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.

- 173-175-740 Construction inspection of FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-740, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.
- 173-175-750 Construction records reporting for FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-750, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.
- 173-175-760 Exceptions to construction permit for FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-760, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.
- 173-175-770 Operation of FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-770, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.
- 173-175-780 Periodic inspection of FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-780, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.
- 173-175-790 Emergency action plans for FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-790, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.
- 173-175-800 Right of entry at FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-800, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.
- 173-175-810 Enforcement at FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-810, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.
- 173-175-820 Appeals for FERC licensed projects and FERC exempted projects. [Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-820, filed 12/16/92, effective 1/16/93.] Repealed by 95-22-030, filed 10/24/95, effective 11/24/95. Statutory Authority: 1995 c 8.

PART ONE GENERAL

WAC 173-175-010 Purpose and authority. These regulations provide for the comprehensive regulation and supervision of dams in order to reasonably secure safety to life and property pursuant to chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW. The purposes of these regulations are to:

- (1) Designate the types of dams to which these regulations are applicable;
- (2) Provide for the design, construction, operation, maintenance, and supervision of dams in a manner consistent with accepted engineering practice;
- (3) Establish and administer a program for permitting of construction work for new dams and for modifications of existing dams;

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(4) Establish a fee schedule based on dam size that will reflect the actual cost to the department of engineering review of plans and specifications and for construction inspections;

(5) Establish the requirements and owner responsibilities for developing and executing plans for operation and maintenance, owner inspection and emergency actions; and

(6) Establish a program for the periodic inspection by the department of existing dams, and a fee schedule for these inspections based on downstream hazard classification and frequency of inspections. This fee schedule will reflect the actual cost to the department.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-010, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-010, filed 6/1/92, effective 7/2/92.]

WAC 173-175-020 Applicability. (1) These regulations are applicable to dams which can impound a volume of ten acre-feet or more of water as measured at the dam crest elevation. The ten acre-feet threshold applies to dams which can impound water on either an intermittent or permanent basis. Only water that can be stored above natural ground level or which could be released by a failure of the dam is considered in assessing the storage volume.

The ten acre-feet threshold applies to any dam which can impound water of any quality, or which contains any substance in combination with sufficient water to exist in a liquid or slurry state at the time of initial containment.

(2) For a dam whose dam height is six feet or less and which meets the conditions of subsection (1) of this section, the department may elect to exempt the dam from these regulations.

The decision by the department to exempt a dam will be made on a case-by-case basis for those dams whose failure is not judged to pose a risk to life and minimal property damage would be expected (downstream hazard class 3).

(3) These regulations do not apply to dams that are, or will be, owned, by an agency of the federal government which has oversight on operation and maintenance and has its own dam safety program for periodic inspection and repair of safety deficiencies of completed projects. The department will continue to be the state repository for pertinent plans, reports, and other documents related to the safety of federally owned dams.

(4) These regulations do not apply to transportation facilities such as roads, highways, or rail lines which cross watercourses and exist solely for transportation purposes and which are regulated by other governmental agencies.

Those transportation facilities which cross watercourses and which have been, or will be, modified with the intention of impounding water on an intermittent or permanent basis and which meet the conditions of subsection (1) of this section shall be subject to these regulations.

(5) These regulations do not apply to dikes or levees constructed adjacent to or along a watercourse for protection from natural flooding or for purposes of flood plain management.

(6) These regulations do not apply to concrete or steel water storage tanks.

(7) These regulations do not apply to FERC licensed projects and to FERC exempted projects. The department will continue to maintain a repository for pertinent plans, reports, and other documents related to the safety of FERC licensed and FERC exempted projects.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-020, filed 8/4/04, effective 9/4/04. Statutory Authority: 1995 c 8. 95-22-030 (Order 94-15), § 173-175-020, filed 10/24/95, effective 11/24/95. Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-020, filed 12/16/92, effective 1/16/93; 92-12-055 (Order 91-17), § 173-175-020, filed 6/1/92, effective 7/2/92.]

WAC 173-175-030 Definitions. As used in this chapter:

"Acceptance" means acceptance by the department that the proposed plan(s) will satisfactorily address issues associated with proper operation, maintenance, inspection, or emergency action.

"Annual exceedance probability" means the chance that a specified magnitude of some phenomenon of interest, such as a flood or earthquake, is equaled or exceeded during a given year.

"Approval" means approval by the department that the proposed design, and plans and specifications conform to accepted engineering practice and department guidelines.

"Appurtenant works" means such structures as outlet works and associated gates and valves; water conveyance structures such as spillways, channels, fish ladders, tunnels, pipelines, or penstocks; powerhouse sections; and navigation locks, either in the dam or adjacent thereto.

"Authorization" means written acknowledgement from the department to proceed with proposed actions.

"Construction change order" means a revision to the department approved plans and specifications that is initiated during construction.

"Construction permit" means the permit which authorizes construction and that the project's plans and specifications and construction inspection plan have been reviewed and approved by the department.

"Construction permit process" means the sequence of activities specified in WAC 173-175-110 inclusive, beginning with the application for construction permit and ending with the submission of a report summarizing construction records.

"Crest length" means the total horizontal distance measured along the axis of the dam, at the elevation of the top of the dam, between abutments or ends of the dam. Where applicable, this includes the spillway, powerhouse sections, and navigation locks, where they form a continuous part of the impounding structure.

"Critical project element" means an element of a project whose failure could result in the uncontrolled release of the reservoir.

"Dam" means any artificial barrier and/or any controlling works, together with appurtenant works that can or does impound or divert water.

"Dam abutment" means that contact location at either end and beneath the flanks of a dam where the artificial barrier joins or faces against the natural earth or rock foundation material upon which the dam is constructed.

"Dam height" means the vertical distance from the natural bed of the stream or watercourse at the downstream toe of

the impounding barrier to the maximum storage elevation. If the dam is not across a stream or watercourse, the height is measured from the lowest elevation of the outside limit of the impounding barrier to the maximum storage elevation.

"Department" means the department of ecology.

"Design step level" means an integer value between one and eight used to designate increasingly stringent design loadings and conditions for design of critical project elements. Design steps have a range in annual exceedance probability from one in five hundred at Step 1 to one in one million at Step 8.

"Downstream hazard classification" means a rating to describe the potential for loss of human life and/or property damage if the dam were to fail and release the reservoir onto downstream areas. Downstream hazard classifications of 3, 2 and 1C, 1B, 1A correspond to low, significant, and high downstream hazard classes respectively.

"Emergency condition" means a situation where life and property are at imminent risk and actions are needed within minutes or hours to initiate corrective actions and/or warn the public.

"Enlargement" means any modification of a project that will result in an increase in normal pool height and/or dam height.

"Exigency condition" means a situation where the dam is significantly underdesigned according to generally accepted engineering standards or is in a deteriorated condition and life and property are clearly at risk. Although present conditions do not pose an imminent threat, if adverse conditions were to occur, the situation could quickly become an emergency.

"FERC exempted project" means a project that is classified as exempt by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"FERC licensed project" means a project whose operation is licensed by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"Freeboard" means the vertical distance between the dam crest elevation and some reservoir level of interest.

"Hydrograph" means a graphical representation of discharge, stage, or other hydraulic property with respect to time for a particular location on a watercourse.

"Impounding barrier" means the structural element of the dam that has the primary purpose of impounding or diverting water. It may be constructed of natural and/or man-made materials.

"Incident" means the occurrence of any dam-related event where problems or conditions arise which may have posed a threat to the safety or integrity of the project or which may have posed a threat of loss of life or which resulted in loss of life.

"Inflow design flood (IDF)" means the reservoir inflow flood hydrograph used for sizing the spillways and for determining freeboard. It represents the largest flood that a given project is designed to safely accommodate.

"Maintenance" means those tasks generally accepted as routine in keeping the project and appurtenant works in a serviceable condition.

"Maximum storage elevation" means the maximum attainable water surface elevation of the reservoir pool that

could occur during extreme operating conditions. This elevation normally corresponds to the crest elevation of the dam.

"Miscellaneous construction elements" means a variety of construction elements or activities such as, but not limited to: Reservoir linings; parapet walls or low berms for wave containment; minor reconstruction of isolated portions of the impounding barrier; internal drainage improvements; and erosion protection.

"Modification" means any structural alteration of a dam, its reservoir, spillway(s), outlet(s), or other appurtenant works that could significantly influence or affect the project safety.

"Normal pool height" means the vertical distance between the lowest point of the upstream toe of the impounding barrier and the normal storage elevation.

"Normal storage elevation" means the maximum elevation to which the reservoir may rise under normal operating conditions. Where the principal spillway is ungated, the normal storage elevation is usually established by the elevation of the spillway crest.

"100-year flood plain" means the area inundated during the passage of a flood with a peak discharge having a one percent chance of being equaled or exceeded in any given year at a specified location on a watercourse.

"Outlet" means a conduit and/or channel structure for the controlled release of the contents normally impounded by a dam and reservoir.

"Owner" means the person holding lawful title to the dam or any person who owns or proposes to construct a dam.

"Periodic inspection" means a detailed inspection of the dam and appurtenant works conducted on regular intervals and includes, as necessary, associated engineering analyses to confirm the continued safe operation of the project.

"Person" means any individual, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Plans and specifications" means the detailed engineering drawings and specifications used to describe the layout, materials, construction methods, etc., for assembling a project or project element. These do not include shop drawings or other drawings prepared by the construction contractor for temporary construction support systems.

"Population at risk" means the number of people who may be present in areas downstream of a dam and could be in danger in the event of a dam failure.

"Project" means a dam and its reservoir either proposed or existing.

"Project engineer" means a professional engineer licensed in Washington, having direct supervision, as defined in WAC 196-24-095, in managing the engineering aspects of the project as representative of the owner.

"Reservoir" means any basin that contains or will contain the water impounded by a dam.

"Reservoir routing" means the procedures used to determine the attenuating effect of reservoir storage on a flood as it passes through a reservoir.

"Rule curve" means the rules and procedures used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions.

"Significant enlargement" means any modification of an existing dam that results in the dam height or normal pool height being increased by an amount greater than 5.0 feet, and which also represents a ten percent or greater increase in dam height or normal pool height over that which existed prior to the modification.

"Spillway" means a channel structure and/or conduit for the safe release of water or floodwater.

"Stop work order" means an administrative order issued to temporarily halt construction work until a problem can be resolved.

"Substantially complete" means that a plan, action, or project element requires only minor additions to be complete, and in its present state will perform the necessary functions for its intended use.

"Surficial inspection" means a visual inspection conducted to identify obvious defects or changed conditions.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-030, filed 8/4/04, effective 9/4/04. Statutory Authority: 1995 c 8. 95-22-030 (Order 94-15), § 173-175-030, filed 10/24/95, effective 11/24/95. Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-030, filed 12/16/92, effective 1/16/93; 92-12-055 (Order 91-17), § 173-175-030, filed 6/1/92, effective 7/2/92.]

WAC 173-175-040 Activities that require department review, approval, acceptance, authorization, or notification. (1) Activities related to the safety of dams that require review and approval by the department as detailed in this chapter include:

- (a) Construction of a new dam;
- (b) Modification of an existing dam;
- (c) Removal or abandonment of an existing dam;
- (d) Construction change orders for project elements that could have an effect on public safety.

(2) Activities related to the safety of dams that require review and acceptance by the department as detailed in this chapter include:

- (a) Adoption of an operation and maintenance (O&M) plan;
- (b) Adoption of an emergency action plan (EAP);
- (c) Changes to existing operation and maintenance procedures or to an emergency action plan that could have an effect on public safety.

(3) Activities related to the safety of dams that require authorization from the department before proposed actions can proceed include:

- (a) Startup of construction: For a new dam; modifications to an existing dam; or removal or abandonment of an existing dam.
- (b) Initial controlled filling of a reservoir following new dam construction and implementation of procedures for normal reservoir operation.

(c) Resumption of normal reservoir operation following dam modifications or emergency action.

(4) Activities related to the safety of dams that require a notification to the department as detailed in this chapter include:

- (a) Change of dam ownership;
- (b) Advance notice of the startup of dam construction;

- (c) Declaration by the project engineer of project completion in accordance with the department approved plans and specifications and construction change orders;
- (d) Advance notice of periodic inspection; and
- (e) The occurrence of an incident at the dam.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-040, filed 6/1/92, effective 7/2/92.]

WAC 173-175-050 Provision of guidelines. The department will develop and maintain *Dam Safety Guidelines* to aid dam owners and project engineers in complying with the department requirements in developing, producing, or conducting:

- (1) Engineering design reports;
- (2) Plans and specifications;
- (3) Construction inspection plans;
- (4) Operation and maintenance plans;
- (5) Periodic inspections; and
- (6) Emergency action plans.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-050, filed 6/1/92, effective 7/2/92.]

WAC 173-175-060 Change of ownership. When a change of ownership of a dam occurs, the new owner shall notify the department within ninety days following the transaction and provide:

- (1) The mailing address and telephone number where the owner can be contacted.
- (2) The name(s) and telephone number(s) of the individual(s) who will be responsible for operation and maintenance of the dam.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-060, filed 6/1/92, effective 7/2/92.]

PART TWO CONSTRUCTION PERMIT PROCESS

WAC 173-175-100 Construction permit. (1) Any person intending to construct or modify any dam shall, before beginning said construction or modification, submit plans and specifications and a construction inspection plan for review and approval by the department.

(2) The approval of these documents will be indicated by the department's plan approval stamp on the cover sheet of the plans signed by the department's professional engineer who had primary responsibility for the engineering review.

(3) The return of the construction plans to the owner will be accompanied by a construction permit which authorizes construction and which must be prominently displayed at the construction site.

(4) A copy of the department approved plans and specifications shall be maintained at the construction site.

(5) Construction work shall not proceed until the plans, specifications, and construction inspection plan have been approved by the department.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-100, filed 6/1/92, effective 7/2/92.]

WAC 173-175-110 Sequence of permitting actions. The sequence of tasks to be completed by the owner or the project engineer, and the actions taken by the department in (2007 Ed.)

permitting dam construction are outlined below. A more complete description of the required tasks, reports, and plans are described in later sections, and additional guidance in meeting department requirements is contained in the department documents titled *Dam Safety Guidelines*. The following outline is listed to give an overview of the normal sequence of actions for construction of a new dam. Subsections (9), (10), and (11) of this section will not be required for modification of an existing dam where the department has previously accepted the project's operation and maintenance plan and emergency action plan.

- (1) Submission of application for construction permit, including initial nonrefundable fee payment.
- (2) Submission of engineering design report(s).
- (3) Submission of plans and specifications.
- (4) Payment of construction permit fee.
- (5) Submission of construction inspection plan.
- (6) Resolution of any outstanding engineering issues.
- (7) Department approves plans and specifications and issues construction permit.
- (8) Construction or modification of dam.
- (9) Submission of operation and maintenance (O&M) plan.
- (10) Submission of emergency action plan (EAP).
- (11) Department accepts O&M plan and EAP.
- (12) Declaration by project engineer that project was constructed or modified in accordance with approved plans and specifications and construction change orders.
- (13) Department concurs with project engineer that project was constructed or modified in accordance with approved plans and specifications and construction change orders.
- (14) Department authorizes filling of reservoir at new dam or resumption of normal operations at existing dam.
- (15) Submission of a report summarizing the construction records.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-110, filed 6/1/92, effective 7/2/92.]

WAC 173-175-120 Application for construction permit. (1) The department shall supply an application form to be used to initiate the process for obtaining the construction permit.

(2) The application form shall be submitted to the department at the time that the first substantive engineering information becomes available about the proposed project.

(3) An initial, nonrefundable payment which may represent all or a portion of the construction permit fee, shall be included along with the application form. The amount of the initial construction permit fee payment is defined in WAC 173-175-390.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-120, filed 6/1/92, effective 7/2/92.]

WAC 173-175-130 Engineering design reports. (1) Engineering design reports summarizing the various engineering investigations and pertinent project information are an important element of the project design documents. All pertinent engineering design reports that have been prepared during project formulation shall be submitted for review. The

engineering design report(s) must bear the seal and signature of the project engineer.

(2) The engineering design reports shall be sufficiently complete so as to support the development of plans and specifications without substantial change or additional information.

(3) The engineering design report(s) shall be comprehensive in description of the various engineering investigations.

(a) For new project construction, the engineering design report(s) shall include, as a minimum, the items listed in subsection (4) of this section:

(b) For modifications of existing dams, the engineering design report(s) shall include, as a minimum, those items listed in subsection (4) of this section which represent changed conditions from original construction or which address items that have not been previously addressed in prior reports that were submitted to the department.

(4) Contents of engineering design report(s):

(a) A description of the basic purposes of the project, normal operational characteristics and any unique or important design considerations associated with the site or project configuration.

(b) A description of the site geology, seismicity and geotechnical considerations including: A presentation of the findings from subsurface explorations based on test pits and/or boring logs; field tests; laboratory testing and classification of samples; and an identification of the seismotectonic provinces that could generate earthquakes large enough to significantly affect the project site.

(c) A description of the climatic and hydrologic characteristics of the site and tributary watershed including the computation of the inflow design flood and, where applicable, a listing of the input and output data for the computer model used to determine the inflow design flood.

(d) A listing of all sources of inflow to the reservoir.

(e) The size classification of the proposed project as defined by Table 1.

TABLE 1. DAM SIZE CLASSIFICATION

SIZE CLASSIFICATION	DAM HEIGHT
Small Dam	Less than 15 feet
Intermediate Dam	15 feet or greater but less than 50 feet
Large Dam	50 feet or greater

(f) The reservoir operation classification of the proposed project as defined by Table 2.

TABLE 2. RESERVOIR OPERATION CLASSIFICATION

RESERVOIR OPERATION CLASSIFICATION	DETERMINING FACTOR
Permanent Pool or Seasonal Pool Operation	Steady state seepage or saturated flow conditions occur in impounding barrier and foundation at or near normal pool conditions.
Intermittent Operation	Duration of normal high pool condition is insufficient for steady state seepage or saturated flow conditions to develop in impounding barrier and foundation.

(g) An assessment of the consequences of dam failure on downstream areas, including:

(i) An estimation of the magnitude of the dam break flood hydrographs resulting from hypothetical dam failures occurring with the reservoir at normal storage elevation and maximum storage elevation;

(ii) A general description of the areas downstream of the dam that could be affected by floodwater from a dam failure;

(iii) If there is the potential for loss of life, an inundation map delineating the maximum areal extent of flooding that could be produced by a dam failure. Inundation mapping should extend to a point downstream where the inundation from the dam failure is within the 100-year flood plain for the affected watercourse;

(iv) The downstream hazard classification as defined by Table 3, which reflects the current conditions of development in downstream areas. The most serious potential consequences of failure of those listed in columns 3A, 3B, and 3C shall be used to establish the appropriate downstream hazard classification.

TABLE 3. DOWNSTREAM HAZARD CLASSIFICATION

DOWNSTREAM HAZARD POTENTIAL	DOWNSTREAM HAZARD CLASSIFICATION	COLUMN 3A POPULATION AT RISK	COLUMN 3B ECONOMIC LOSS GENERIC DESCRIPTIONS	COLUMN 3C ENVIRONMENTAL DAMAGES
Low	3	0	Minimal. No inhabited structures. Limited agricultural development.	No deleterious materials in reservoir contents
Significant	2	1 to 6	Appreciable. 1 or 2 inhabited structures. Notable agriculture or work sites. Secondary highway and/or rail lines.	Limited water quality degradation from reservoir contents and only short term consequences.
High	1C	7 to 30	Major. 3 to 10 inhabited structures. Low density suburban area with some industry and work sites. Primary highways and rail lines.	Severe water quality degradation potential from reservoir contents and long term effects on aquatic and human life.
High	1B	31-300	Extreme. 11 to 100 inhabited structures. Medium density suburban or urban area with associated industry, property and transportation features.	

DOWNSTREAM HAZARD POTENTIAL	DOWNSTREAM HAZARD CLASSIFICATION	COLUMN 3A POPULATION AT RISK	COLUMN 3B ECONOMIC LOSS GENERIC DESCRIPTIONS	COLUMN 3C ENVIRONMENTAL DAMAGES
High	1A	More than 300	Extreme. More than 100 inhabited structures. Highly developed, densely populated suburban or urban area with associated industry, property, transportation and community life line features.	

(h) Engineering calculations and data supporting the detailed design of project elements. This would include, as a minimum:

(i) The design step levels used in design of the various critical project elements, based on guidance contained in the department's *Dam Safety Guidelines*;

(ii) Stability analyses corroborating the design of the proposed embankment/barrier section under static and seismic loadings and rapid drawdown conditions;

(iii) Calculations for the design of any hydraulic structures, which are subject to high lateral earth pressures, relatively large seismic loads and/or uplift pressures;

(iv) Computations for sizing the principal and emergency spillway, including, where applicable, reservoir routing computations defining the reservoir inflow and outflow design flood hydrographs.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-130, filed 6/1/92, effective 7/2/92.]

WAC 173-175-140 Plans and specifications. (1) Two copies of the plans and specifications, bearing the seal and signature of the project engineer, shall be submitted to the department for engineering review. Upon approval, one copy will be retained by the department and the other copy will be returned to the owner or the project engineer.

(2) For large or complex projects, one copy of the preliminary or intermediate level plans, in addition to the final plans, shall be submitted to the department for review.

(3) To be approved, the plans and specifications must contain sufficient detail to describe the proposed construction work.

(a) The following items, as a minimum, shall be included as part of the construction plans:

(i) Project location and vicinity maps;

(ii) Site map of dam, reservoir area, and appurtenances;

(iii) Sectional view along longitudinal axis of dam and foundation;

(iv) Cross-sectional view of dam at location of maximum height;

(v) Cross-sectional views and profiles of spillway(s), outlet facilities, and other appurtenances;

(vi) Steel reinforcement placement and bar sizing for concrete construction must be shown in at least one section or profile; and

(vii) The plan for diversion and control of water during construction.

(b) The following items, as a minimum, shall be included as part of the construction specifications:

(i) Type, class, or description of all materials to be used;

(ii) The requirements for fill placement, moisture conditioning, and minimum level of compaction of all earthen zones;

(2007 Ed.)

(iii) The requirements, procedures, and minimum standards for concrete construction and/or structural details.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-140, filed 6/1/92, effective 7/2/92.]

WAC 173-175-150 Construction permit fee. There is a fee for the review of plans and specifications and for construction inspections conducted by the department. The amount of the fee and owner requirements for fee payment are contained in WAC 173-175-350 through 173-175-400.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-150, filed 6/1/92, effective 7/2/92.]

WAC 173-175-160 Review standards. The department will review engineering design reports, plans, and specifications and the construction inspection plan to ascertain that the proposed project will be designed and constructed in a manner which will reasonably secure safety to life and property.

(1) The department's review is intended to address issues of safety directly related to the structural stability and integrity of the completed project. The review is not intended to extend to more general issues of safety not directly related to the structural stability and integrity of the project which are the purview of other governmental agencies such as the Washington department of labor and industries (L&I), which administers the Washington Industrial Safety and Health Act (WISHA).

(2) In addition to the above, the department will review documents submitted pursuant to this chapter to ascertain that they conform to accepted engineering and construction practice and are in conformance with guidance contained in the department's *Dam Safety Guidelines*.

(3) Those elements of a document(s) which are found not to be in conformance with the above will be identified to the owner or the project engineer and changes may be required as appropriate to conform to accepted engineering practice.

(4) Where differences of opinion arise on the suitability of certain engineering or construction practices and cannot be readily resolved, the burden of proof will rest on the owner and the project engineer to demonstrate the suitability of the proposed plan or action.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-160, filed 6/1/92, effective 7/2/92.]

WAC 173-175-170 Construction inspection plan. (1) A detailed plan shall be submitted to the department describing how adequate and competent construction inspection will be provided.

(2) The construction inspection plan shall be prepared by a professional engineer and shall bear his/her seal and signature.

(3) The construction inspection plan shall include, as a minimum:

(a) A listing of construction activities related to critical project elements and planned inspection effort including staffing levels, responsibilities, frequency, and duration of site visits;

(b) A description of the quality assurance testing program which describes the type of test, general frequency, acceptable results, handling of deficient materials, and the individual(s) responsible for overseeing the testing;

(c) Description of construction management organization, lines of communication, and responsibilities;

(d) Description of the change order process including who is responsible for coordinating the change order review process with the department;

(e) Description of the technical records handling and the content and frequency of construction progress reports.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-170, filed 6/1/92, effective 7/2/92.]

WAC 173-175-180 Issuance of construction permit.

(1) After the department has determined that the plans and specifications and construction inspection plan conform to accepted engineering practice, these documents will be approved and a construction permit will be issued which authorizes construction to commence.

Construction shall not commence until the construction permit has been issued by the department.

Preliminary work such as mobilization of equipment, stripping and grubbing and other site access and preparation work is allowed prior to receipt of the construction permit, provided no permanent features of the dam are initiated.

(2) Receipt of the construction permit does not relieve the owner of the responsibility to secure all other applicable permits and approvals before proceeding with construction work.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-180, filed 6/1/92, effective 7/2/92.]

WAC 173-175-190 Construction change orders. (1)

All dam projects subject to the provisions of this regulation shall be constructed in accordance with the plans and specifications approved by the department. Any proposed changes to the department-approved plans which could have an effect on structural integrity or safe operations of the project must first be presented to the department for a determination if an approval is required.

(2) If the department determines that the proposed construction change order represents a significant modification of the approved plans or specifications that could have an effect on structural integrity or safe operations of the project, then approval of the change order will be required.

The department will review the construction change order and provide a response to the project engineer in a timely manner consistent with the complexity and safety concerns of the situation.

(3) If department approval of the proposed construction change order is required, no action can be taken by the owner to make the construction change until approval is given by the department.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-190, filed 6/1/92, effective 7/2/92.]

WAC 173-175-200 Department role in construction inspection. (1) It will be the department's role during construction to confirm that the project engineer, as representative for the owner, is properly implementing the department approved construction inspection plan.

(2) The department will periodically observe the construction work to independently confirm that conditions assumed in the design stage are valid for field conditions and that construction is proceeding in accordance with the approved plans and specifications.

(3) Changes may be required by the department to be made to the approved plans and specifications to reasonably secure safety to life and property. Reasons for changes may include, but are not limited to the following:

(a) To address unanticipated field conditions;

(b) To correct omissions or errors in the approved plans and specifications;

(c) To correct situations where the construction work clearly is not being performed in a workmanlike manner and does not, in the opinion of the department, meet the performance intent of the specifications.

(4) Where deemed necessary by the department, a stop work order may be issued to temporarily halt construction until a problem can be resolved.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-200, filed 6/1/92, effective 7/2/92.]

WAC 173-175-210 Operation and maintenance plan.

(1) An operation and maintenance (O&M) plan shall be developed and submitted to the department for review and acceptance. The O&M plan shall outline and summarize how the project is to be operated and how the basic elements of monitoring, inspection and maintenance, as listed in WAC 173-175-500(1), are to be accomplished.

The department may issue an acceptance after determining the O&M plan is substantially complete.

(2) Owners are responsible for incorporating the details of the O&M plan into an O&M manual suitable for use by dam operators. Requirements associated with O&M manuals are listed in WAC 173-175-500.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-210, filed 6/1/92, effective 7/2/92.]

WAC 173-175-220 Emergency action plan. In those cases where a failure of the dam could pose a risk to life based on the current level of development in downstream areas (downstream hazard classes 1A, 1B, 1C, and 2, WAC 173-175-130), an emergency action plan (EAP) shall be developed and submitted to the department for review and acceptance. The purpose of the plan is to establish procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating and initiating notification or warning to individuals who may be at risk in downstream/upstream areas. Requirements associated with EAP's are listed in WAC 173-175-520.

The department may issue an acceptance after determining the EAP is substantially complete.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-220, filed 6/1/92, effective 7/2/92.]

WAC 173-175-230 Declaration of construction completion. Within sixty days following substantial completion of construction or modification of a dam, the project engineer shall submit to the department:

A declaration stating the project was constructed in accordance with the department approved plans and specifications and construction change orders.

The department will provide a declaration form which may be used or altered, as appropriate, by the project engineer.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-230, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-230, filed 6/1/92, effective 7/2/92.]

WAC 173-175-240 Authorization to commence or resume project operation. (1) Upon receipt of the project engineer's declaration of construction completion, the department will authorize the owner or the project engineer, as appropriate, to commence or resume normal project operation, provided that:

(a) The department concurs with the project engineer that the project was constructed in accordance with the approved plans and specifications and construction change orders;

(b) The proposed O&M plan is acceptable to the department;

(c) The proposed emergency action plan, if required (see WAC 173-175-220), is acceptable to the department.

(2) If the above conditions are not met, the owner shall not commence or resume normal operation of the project until all outstanding issues or problems are resolved. When outstanding issues or problems are not resolved in a timely manner, the department may:

(a) Order the outlet works to remain fully open and not allow filling of the reservoir;

(b) Restrict reservoir water levels or reservoir operation;

(c) Order the breaching of the impounding barrier;

(d) Take other measures as appropriate to reasonably secure safety to life and property.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-240, filed 6/1/92, effective 7/2/92.]

WAC 173-175-250 Construction records summary. Within one hundred twenty days following completion of construction or modification of a dam, the project engineer, as representative of the owner, shall submit a report to the department on construction activities which includes:

(1) A summary of results from field testing of materials used in construction. The summary shall identify both representative values and the range of test values;

(2) A discussion of any notable items encountered during construction;

(3) One complete set of drawings describing the as-built condition of the dam. These drawings shall be submitted in both paper and electronic format.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-250, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-250, filed 6/1/92, effective 7/2/92.]

(2007 Ed.)

WAC 173-175-260 Exceptions to construction permit process. If the department determines that emergency or exigency conditions exist at a dam and that it is in the best interests of public safety to expedite the construction or modification of a dam, the department may elect to temporarily suspend the normal construction permit process. To allow this exception, the department will issue a written conditional construction permit, which:

(1) May initially be oral;

(2) Will specify the construction activities to be allowed;

(3) May be terminated at a time deemed appropriate by the department;

(4) Shall incorporate, to the extent possible, and not inconsistent with the situation, all applicable requirements of this chapter.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-260, filed 6/1/92, effective 7/2/92.]

WAC 173-175-270 Department review response time. In reviewing the various documents required in the construction permit process, the department shall respond in a timely manner to the owner or project engineer with written review comments, approval, or acceptance as appropriate.

If the department response is anticipated to occur sixty days or more beyond the date of receipt of the document(s), the department shall notify the owner and/or project engineer in writing and advise them of the expected response date.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-270, filed 6/1/92, effective 7/2/92.]

PART THREE CONSTRUCTION PERMIT FEES

WAC 173-175-350 Authority for construction permit fees. It is required by RCW 90.03.470(9) that fees be collected by the department for the examination of plans and specifications. The fee shall be a minimum of ten dollars or the actual cost. In addition, the department is required by RCW 43.21A.064(2) to inspect the construction of all dams. It is required by RCW 90.03.470(8) that fees be collected for the actual cost to the department for inspection including the expense incident thereto.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-350, filed 6/1/92, effective 7/2/92.]

WAC 173-175-360 Construction permit fees for new project construction. (1) Fees for the review of plans and specifications and for construction inspection for new project construction shall be the amounts shown in Table 4 as adjusted by the fiscal growth factor, and determined by the nearest values of dam height and crest length, in feet, which correspond to the project's planned dam height and crest length.

(2) The fees in Table 4 are automatically adjusted annually on July 1st by the fiscal growth factor as calculated under chapter 43.135 RCW. After July 1st of each year, the department shall publish the adjusted fees by providing notice on its internet site and by providing written notification by mail or electronic mail to permit applicants.

(3) Fees for the review of plans and specifications and for construction inspection for new dairy waste impound-

ments, and conservation dams, shall be in the amount of one thousand four hundred dollars, provided the project meets the following requirements:

(a) The facility has a low downstream hazard classification;

(b) The maximum embankment height is less than fifteen feet;

(c) The facility conforms with a set of standard plans and specifications prepared by the Natural Resource Conservation Service (NRCS) and approved by the department;

(d) The NRCS or its designee provides periodic oversight of construction to ensure that the facility conforms to the standard plans.

If the project fails to meet any of the above requirements, the standard fees as described under subsection (1) of this section shall apply.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-360, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-360, filed 6/1/92, effective 7/2/92.]

WAC 173-175-370 Construction permit fees for modifications of existing dams. (1) Fees for the review of plans and specifications and for construction inspections for project modifications involving significant enlargements shall be the greater of one thousand four hundred dollars or the amount determined by those applicable percentages shown in Table 5A of the fees in Table 4, as adjusted by the fiscal growth factor. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

TABLE 4. CONSTRUCTION PERMIT FEES - NEW PROJECT CONSTRUCTION

Dam Height (ft)	CREST LENGTH (FEET)															
	50	100	150	200	250	300	350	400	500	600	700	800	1000	1500	2000	4000
400	44268	49392	51296	52444	53368	54096	54712	55244	56000	56000	56000	56000	56000	56000	56000	56000
300	38304	45416	48496	50092	51072	51800	52416	52976	53872	54600	55216	55776	56000	56000	56000	56000
250	34020	42280	45836	48132	49336	50344	50988	51520	52416	53172	53788	54320	55216	56000	56000	56000
200	28280	37128	42000	44492	46508	47964	48776	49532	50652	51380	51996	52556	53452	55076	56000	56000
180	25004	34636	39452	42700	44632	46284	47684	48384	49616	50568	51184	51716	52612	54264	55412	56000
160	21644	31892	36792	40152	42644	44212	45584	46816	48356	49336	50204	50792	51688	53340	54488	56000
150	20020	30352	35252	38640	41356	43120	44464	45668	47684	48664	49504	50260	51184	52836	53984	56000
140	18396	28224	33600	37100	39704	41972	43288	44464	46480	47936	48776	49504	50652	52276	53452	56000
130	16828	25928	31920	35336	37996	40152	42056	43204	45164	46816	47992	48720	49924	51688	52864	55664
120	15260	23520	29876	33460	36204	38304	40152	41804	43764	45388	46816	47852	49084	51072	52220	55020
110	13720	21168	27272	31500	34104	36372	38136	39704	42336	43904	45276	46480	48160	50400	51548	54348
100	12236	18872	24304	28840	31920	34076	35980	37548	40180	42308	43624	44800	46844	49364	50792	53592
95	11508	17724	22848	27328	30828	32872	34748	36428	38976	41216	42784	43932	45920	48804	50400	53200
90	10780	16604	21392	25592	29148	31696	33460	35084	37772	39928	41832	43008	44968	48244	49812	51296
85	10052	15484	19964	23884	27440	30296	32172	33740	36512	38584	40460	42084	43988	47656	48496	48496
80	9352	14392	18564	22204	25536	28448	30856	32368	35028	37240	39032	40656	42980	45696	45696	45696
75	8652	13328	17164	20552	23632	26488	28896	30968	33516	35784	37576	39144	41888	42896	42896	42896
70	7952	12264	15792	18900	21756	24360	26824	28896	31976	34132	36036	37604	40096	40096	40096	40096
65	7280	11228	14448	17304	19880	22288	24556	26684	30184	32424	34272	35924	37296	37296	37296	37296
60	6608	10192	13132	15708	18060	20244	22316	24248	27804	30660	32452	34020	34496	34496	34496	34496
55	5964	9184	11844	14168	16296	18256	20104	21840	25116	28028	30464	31696	31696	31696	31696	31696
50	5320	8204	10556	12656	14532	16296	17948	19488	22428	25116	27608	28896	28896	28896	28896	28896
46	4816	7420	9576	11452	13160	14756	16240	17668	20300	22736	25060	26656	26656	26656	26656	26656
42	4312	6664	8596	10276	11816	13244	14588	15848	18228	20412	22484	24416	24416	24416	24416	24416
38	3836	5908	7616	9128	10500	11760	12964	14084	16184	18144	19964	21728	22176	22176	22176	22176
34	3360	5208	6692	8008	9212	10332	11368	12348	14196	15904	17528	19040	19936	19936	19936	19936
30	2912	4480	5768	6916	7952	8904	9800	10668	12264	13748	15120	16436	17696	17696	17696	17696
28	2688	4144	5320	6384	7336	8232	9044	9828	11312	12684	13944	15176	16576	16576	16576	16576
26	2464	3808	4900	5852	6720	7532	8288	9016	10360	11620	12796	13916	15456	15456	15456	15456
24	2296	3444	4452	5320	6132	6860	7560	8232	9464	10584	11676	12684	14336	14336	14336	14336
22	2156	3136	4032	4816	5544	6216	6832	7448	8540	9576	10556	11452	13188	13216	13216	13216
20	1988	2800	3612	4312	4956	5572	6132	6664	7644	8596	9436	10276	11816	12096	12096	12096
18	1848	2492	3192	3836	4396	4928	5432	5908	6776	7616	8372	9100	10472	10976	10976	10976
16	1708	2240	2800	3360	3836	4312	4760	5152	5936	6636	7336	7952	9156	9856	9856	9856
15	1652	2156	2604	3108	3584	4004	4424	4788	5516	6188	6804	7392	8512	9296	9296	9296
14	1596	2044	2408	2884	3304	3696	4088	4424	5096	5712	6300	6832	7868	8736	8736	8736
13	1540	1932	2268	2660	3052	3416	3752	4088	4704	5264	5796	6300	7224	8176	8176	8176
12	1512	1820	2156	2436	2800	3108	3444	3724	4284	4816	5292	5768	6608	7616	7616	7616
11	1484	1736	2016	2268	2548	2828	3108	3388	3892	4368	4816	5236	6020	7056	7056	7056
10	1456	1652	1876	2128	2324	2548	2800	3052	3500	3920	4340	4704	5404	6496	6496	6496
9	1428	1568	1764	1960	2156	2324	2520	2716	3136	3500	3864	4200	4816	5936	5936	5936
8	1400	1512	1652	1792	1988	2128	2268	2408	2744	3080	3388	3696	4228	5376	5376	5376
7	1400	1456	1540	1680	1792	1932	2072	2184	2380	2660	2940	3192	3668	4732	4816	4816
6	1400	1428	1484	1568	1652	1764	1848	1960	2156	2296	2492	2716	3108	4004	4256	4256
5	1400	1400	1428	1484	1540	1596	1680	1736	1904	2044	2184	2296	2576	3304	3696	3696

(2) Fees for the review of plans and specifications and for construction inspection for project modifications not involving significant enlargements shall be the greater of one thousand four hundred dollars or the amount determined by those applicable percentages shown in Table 5B of the fees in Table 4, as adjusted by the fiscal growth factor. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

(3) Fees for the review of plans and specifications and for construction inspection for repair of a dam with safety deficiencies as required by the department shall be one thousand four hundred dollars.

(4) Fees for the review of plans and specifications and for construction inspection for the removal or partial removal of a dam with safety deficiencies for the purpose of eliminating a public safety hazard shall be the minimum fee of ten dollars.

(5) Fees for the review of plans and specifications and for construction inspection for the planned abandonment and reclamation of dams and reservoir areas used in mining operations shall be the minimum fee of one thousand four hundred dollars.

TABLE 5. FEES FOR MODIFICATIONS OF DAMS

MODIFICATION FEE AS PERCENTAGE OF FEE FOR NEW DAM

FEATURES MODIFIED	CONSTRUCTION	
	TABLE 5A MODIFICATIONS INVOLVING SIGNIFICANT ENLARGEMENTS	TABLE 5B MODIFICATIONS NOT INVOLVING SIGNIFICANT ENLARGEMENTS
Spillway(s)	35%	25%
Impounding Barrier	35%	25%
Appurtenant Works and Miscellaneous Construction Elements	10%	10%

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-370, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-370, filed 6/1/92, effective 7/2/92.]

WAC 173-175-380 Maintenance. It will not be necessary to submit plans and specifications for review for routine maintenance, normal replacement, or repair of items to keep them in a serviceable condition, seasonal removal, or replacement of stoplogs, or other similar minor operational activities.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-380, filed 6/1/92, effective 7/2/92.]

WAC 173-175-390 Payment of construction permit fees. (1) The amount of the construction permit fee will be determined by the department based upon procedures contained in WAC 173-175-360 and 173-175-370 and information contained in the construction plans.

(2007 Ed.)

(a) An initial payment, which may represent all or a portion of the construction permit fee shall be paid in conjunction with the submittal of the construction permit application described in WAC 173-175-120. The amount of the initial payment shall be:

(i) Ten dollars for the removal of a dam with safety deficiencies as described in WAC 173-175-370(3); or

(ii) One thousand four hundred dollars for construction of a new dam or modification of an existing dam or project.

(b) The balance of the fee amount (less the initial payment above) is to be paid following notification by the department of the balance due.

(c) All fees collected are nonrefundable.

(2) No fee shall be required for the review of conceptual plans which describe proposed repairs or improvements to existing dams to correct safety deficiencies. The normal construction permit process will apply at the time plans and specifications are submitted to the department.

(3) No additional fees shall be required for plan and specification changes and resubmittals required by the department as part of the review process.

(4) No additional fees shall be required for review of construction change orders.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-390, filed 8/4/04, effective 9/4/04. Statutory Authority: 1995 c 8. 95-22-030 (Order 94-15), § 173-175-390, filed 10/24/95, effective 11/24/95. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-390, filed 12/16/92, effective 1/16/93; 92-12-055 (Order 91-17), § 173-175-390, filed 6/1/92, effective 7/2/92.]

WAC 173-175-400 Cost of expert opinion. In resolving differences of opinion on engineering issues between the department and project engineer or owner, it may be necessary for the department to employ an expert in dam design, analysis or construction.

(1) The expert who is chosen, the assigned tasks, and the estimated cost for the expert's services shall be determined by negotiation between the owner and the department.

(2) The cost associated with employing the expert shall be paid by the owner of the proposed or existing project.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-400, filed 6/1/92, effective 7/2/92.]

PART FOUR PROJECT OPERATION

WAC 173-175-500 Operation and maintenance. (1) The owner shall develop and maintain a current operation and maintenance (O&M) manual.

The manual shall describe procedures for operation of the project under normal and extreme reservoir inflow conditions and provide technical guidance and procedures for monitoring, inspection, and long-term maintenance. Information on the development of the O&M manual is contained in the department's *Dam Safety Guidelines*. The O&M manual shall include, as a minimum, the following items:

(a) Identification of the individual(s) responsible for implementing the plan;

(b) A project data sheet describing the pertinent features of the dam and reservoir, including the spillway(s), outlet

works, and appurtenant structures and their locations at the dam site;

(c) The rules and procedures (rule curve) used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions;

(d) A description of each hydraulic element used to regulate or release water, including information on proper operation and scheduled maintenance;

(e) A listing of the items requiring periodic monitoring, the frequency of monitoring and procedures for monitoring, measurement, and recordkeeping;

(f) A listing of the items requiring periodic maintenance and procedures for conducting and documenting maintenance and recording of problems;

(g) A listing of items to be inspected or test operated, the frequency and procedures for conducting the same and for documenting the findings.

(2) It shall be the duty and responsibility of the owner to, at all times, operate and maintain the dam and all appurtenant works in a safe manner and condition and follow the method and schedule of operation of the dam as outlined in the O&M manual.

(3) Any proposed changes to the O&M manual which could have an effect on public or project safety must be submitted to the department for review and acceptance before implementation.

(4) The O&M manual must be updated within one hundred eighty days after a periodic inspection has been completed by the department.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-500, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-500, filed 6/1/92, effective 7/2/92.]

WAC 173-175-510 Inspection by owner. Owners are required to evaluate the safety of their dam(s) and all appurtenant works and to make modifications, as become necessary, to reasonably secure safety to life and property. To accomplish this, owners are:

(1) Required to conduct annual surficial inspections and to maintain records of their findings, including records of actions taken to correct problem conditions.

The annual surficial inspections may be conducted by the owner or by agent(s) designated by the owner, or by a professional engineer.

(2) Owners are required to submit a copy of the annual inspection checklist and other documents which contain the findings resulting from the annual inspection within thirty days following the completion.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-510, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-510, filed 6/1/92, effective 7/2/92.]

WAC 173-175-520 Emergency action plans. (1) In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the owner shall develop and maintain an emergency action plan (EAP) acceptable to the department.

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(a) The EAP shall describe procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating, and initiating notification or warning of individuals who may be at risk in downstream and upstream areas. Information on the development of an EAP is contained within the department's *Dam Safety Guidelines*.

(b) It shall be the duty and responsibility of the owner to implement the EAP when conditions warrant and to follow the method and schedule contained within the EAP.

(c) Owners are required to coordinate the development of the EAP with representatives from the local emergency services staff, state department of community development, emergency management division, and appropriate local authorities.

(d) Copies of the completed EAP must be provided to the state emergency management division, local emergency services office, and to the department.

(2) Any proposed changes to the EAP which could have an affect on public or project safety must be submitted to the department for review and acceptance before implementation.

(3) Owners are required to exercise components of the EAP as needed to confirm the viability of the plan.

(4) The department will coordinate and solicit review comments from the local emergency services office and the state emergency management division on the acceptability of proposed EAPs. Those comments will constitute the primary basis for accepting or requesting modifications to a proposed EAP.

(5) The EAP must be updated within one hundred eighty days after a periodic inspection has been completed by the department.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-520, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-520, filed 6/1/92, effective 7/2/92.]

WAC 173-175-530 Reporting of incidents. Owners are required to notify the department when incidents occur or when problems or conditions arise which may pose a threat to life or property or a threat to the integrity of the dam.

(1) The owner shall report by telephone to the department on any condition affecting the safety of the project or when an incident has occurred. The initial oral report must be made as soon as practicable after the condition is discovered or following any incident.

(2) A written report may be required by the department within thirty days following the discovery of the condition or after the incident. The report shall describe the condition affecting the safety of the project or the incident which has occurred and shall describe the preliminary plans for correcting the condition and for preventing the recurrence of a similar incident.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-530, filed 6/1/92, effective 7/2/92.]

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PART FIVE COMPLIANCE AND ENFORCEMENT

WAC 173-175-600 Right of entry. The department or its duly appointed agent(s) shall have the right to enter at all reasonable times in or upon property, public or private, for the purpose of inspecting and investigating conditions relating to the construction, operation, maintenance or performance of dams. The department shall comply with the owner's reasonable rules for access to the project.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-600, filed 6/1/92, effective 7/2/92.]

WAC 173-175-610 Emergencies. (1) When, in the opinion of the department, an emergency condition exists which poses an imminent threat to life, the department may take such action as necessary to eliminate or mitigate the hazard and potential consequences. The dam owner or the owner's agent(s) may be directed to take actions, and if that failing, the department may take control of the project and take actions, including, but not limited to:

- (a) Altering the operation of the project;
 - (b) Lowering the reservoir water level;
 - (c) Draining the reservoir;
 - (d) Making emergency repairs or modifications to the project;
 - (e) Enlisting the services of federal, state, or local authorities to make emergency repairs or modifications to the project;
 - (f) Breaching the dam.
- (2) All costs incurred by the department as a result of taking control of the project will be charged to the owner.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-610, filed 6/1/92, effective 7/2/92.]

WAC 173-175-620 Enforcement. (1) In enforcement of this chapter, the department may impose such sanctions as appropriate under authorities vested in it, including but not limited to, the issuance of regulatory orders under RCW 86.16.081 and 43.27A.190 and civil penalties under RCW 86.16.081 and 90.03.600.

(2) Any dam which is found to be under construction or recently constructed without prior approval of the plans and specifications is in violation of RCW 90.03.350 and will be presumed to be a public nuisance. The owner will not be allowed to fill the reservoir or continue to operate the reservoir until the structural integrity and safety of the facility can be demonstrated to the satisfaction of the department. In addition:

- (a) Regulatory orders may be issued to enforce the restriction of reservoir filling and fines may be levied at one hundred to five thousand dollars per day;
- (b) Owners are required to submit as-built drawings and all available documentation describing the manner in which the dam or portion thereof was constructed;
- (c) If the structural integrity and safety of a dam project cannot be demonstrated or confirmed to the satisfaction of the department, the owner shall not commence or resume normal operation of the project until all outstanding issues or

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problems are resolved to the satisfaction of the department. To accomplish the above, the department may:

- (i) Order the outlet works to remain fully open and not allow filling of the reservoir;
- (ii) Restrict reservoir water levels or reservoir operation;
- (iii) Order the breaching of the impounding barrier;
- (iv) Take other measures as appropriate to reasonably assure safety to life and property.

(d) If, in the opinion of the department, the owner is unwilling or incapable of resolving the outstanding safety issues in a timely manner, the department may take action to have the dam abated as prescribed by law under RCW 90.03.350.

(3)(a) In order to correct safety deficiencies and emergency conditions as identified by the department on existing dams, owners are required to take actions as prescribed by the department to preserve the structural stability and integrity of the project and attain levels of safety in accordance with accepted engineering practice.

(b) If the owner does not take action to correct safety issues in a timely manner, regulatory orders may be issued to require modifications, and to restrict the filling of the reservoir until all outstanding issues or problems are resolved to the satisfaction of the department.

(c) If the owner continues to be unwilling or incapable of resolving the outstanding safety issues, the department may take action to have the dam abated as prescribed by law under RCW 90.03.350.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-620, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-620, filed 6/1/92, effective 7/2/92.]

WAC 173-175-630 Appeals. All final written decisions of the department pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-630, filed 6/1/92, effective 7/2/92.]

PART SIX PERIODIC INSPECTION PROGRAM

WAC 173-175-705 Periodic inspection by the department. (1) As authorized by RCW 43.21A.064, the department has the authority to conduct routine periodic inspections of all existing dams with high and significant downstream hazard classifications to reasonably secure safety to life and property.

- Dams with high downstream hazard classifications will be inspected every five years.
- Dams with significant downstream hazard classifications will be inspected every five years, or ten years if workload or staffing necessitates a longer cycle between inspections.
- Dams classified as low hazard are not included in the periodic inspection program.

(a) The department will give at least thirty days notice of the date of the periodic inspection and advise the owner of

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any requirements such as gates or valves that are to be operated during the inspection.

(b) Fees shall be charged for periodic inspections conducted by the department. The amount of the fee and owner requirements for the fee payment are described in WAC 173-175-755 through 173-175-775.

Dam classification

(2) The downstream hazard classification of existing dams shall be determined by the department in accordance with WAC 173-175-130, Table 3.

(3) The classification of each dam shall be reviewed during each periodic or other inspection and may be changed as the result of such inspection.

Components of a periodic inspection

(4) Each periodic inspection shall consist of, but not be limited to, the following:

(a) Review and analysis of available data on the design, construction, operation, and maintenance of the dam and its appurtenances;

(b) Visual inspection of the dam and its appurtenances, the downstream area, and all other areas affected by the structure;

(c) Evaluation of the safety of the dam and its appurtenances, which may include assessment of the hydrologic and hydraulic capabilities, structural stabilities, seismic stabilities, and any other condition which could constitute a hazard to the integrity of the structure;

(d) Evaluation of the downstream hazard classification;

(e) Evaluation of the operation, maintenance, and inspection procedures employed by the owner and/or operator; and

(f) Review of the emergency action plan for the dam including review and/or update of dam breach inundation maps.

(5) The department shall prepare a written safety inspection report that describes the findings from the inspection and lists remedial actions that must be taken to ensure the continued safety of the dam.

(6) The department shall provide the dam owner with a copy of the written report of the periodic inspection. The dam owner must correct any identified safety deficiencies in a timely manner.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-705, filed 8/4/04, effective 9/4/04.]

WAC 173-175-725 Nonroutine inspections by department. (1) The department may perform nonroutine inspections of dams with any downstream hazard classification, separate from the periodic inspection program. The purposes for these inspections include, but are not limited to, the following:

(a) Determining downstream hazard classification;

(b) Condition inspections during or immediately after emergencies such as floods or earthquakes;

(c) When problems or conditions arise that may pose a threat to the integrity of the dam;

(d) Obtaining routine monitoring data and information;

(e) Surficial inspections of low hazard dams.

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(2) No fees shall be charged to the dam owner for non-routine inspections.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-725, filed 8/4/04, effective 9/4/04.]

WAC 173-175-735 Inspection at public request.

(1) The department may inspect a dam if a complaint from the public is received that states that a dam:

(a) Impounds ten or more acre-feet of water at the dam crest level; and

(b) Is endangering public safety or property, or has been constructed without prior department approval.

(2) The department shall provide a copy of the written report of findings to the complainant and dam owner.

(3) The dam owner shall be required to correct any identified safety deficiencies or exigency conditions in a timely manner.

(4) Dams found to be under construction or recently built without prior approval of the plans and specifications will be subject to enforcement actions as described under WAC 173-175-620(2).

(5) No fees shall be charged to the dam owner for inspections at public request.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-735, filed 8/4/04, effective 9/4/04.]

PART SEVEN PERIODIC INSPECTION FEES

WAC 173-175-755 Periodic inspection fees. The department is required by RCW 90.03.470(8) to collect in advance a fee based on the actual cost, including the expense incident thereto, of the inspection of any dam to insure safety to life and property. Fee amounts contained in this section represent the department's true estimate of the cost of performing periodic dam safety inspections as described in WAC 173-175-705, and reflect the department's commitment to fully recover all eligible expenses.

[Statutory Authority: Chapters 43.21A and 90.03 RCW. 05-18-039 (Order 05-11), § 173-175-755, filed 8/31/05, effective 10/1/05. Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-755, filed 8/4/04, effective 9/4/04.]

WAC 173-175-765 Periodic inspection fee schedule.

(1) The inspection fee amounts are based on the downstream hazard classification of the dam, as determined by the department, and incorporate the fiscal growth factor calculated under chapter 43.135 RCW. The inspection fees for each five-year inspection are prorated on an annual basis.

(a) Equation 1 below is used to calculate the annual inspection fees.

$$\text{Annual Inspection Fee} = (\text{COST}_{\text{FGF}}) \div (\text{Cycle}) \quad \text{Equation 1}$$

Where:

(i) Cycle = number of years between inspections, with five years being the minimum.

(ii) FGF = an annual fiscal growth factor expressed as a percentage, as determined under chapter 43.135 RCW.

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(iii) $COST_{FGF}$ = cost of inspection in dollars including a fiscal growth factor. The cost is obtained by multiplying the inspection cost in the preceding year by the current year's fiscal growth factor as follows:

$$COST_{FGF} = \text{Previous year's cost} \times [1 + (FGF)] \text{ Equation 2}$$

(b) For implementation of the fiscal growth factor, the base year for dam inspection fees will be fiscal year 2004, ending June 30, 2004. In the base year, the FGF will be zero.

(c) The cost for an inspection by the department in the base year will be as follows:

(i) \$3440.00 for dams with high downstream hazard classifications, with a prorated annual fee of \$688.00 for a five-year inspection cycle.

(ii) \$2500.00 for dams with significant downstream hazard classifications, with a prorated annual fee of \$500.00 if a five-year inspection cycle is implemented, or \$250.00 if a ten-year inspection cycle is implemented.

(2) Exceptions to periodic inspection fee schedule.

(a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or

(b) For any hydraulic works more than ten years old, but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall equal the fee for a significant hazard dam.

(3) Inspection fee for impoundments with multiple dams. For reservoirs or impoundments with a main dam and one or more saddle dams, a single annual inspection fee will be charged for the facility. The dam with the highest downstream hazard rating will be used for fee computation.

(4) Inspection fee for multicell impoundments. For multicell impoundments, such as wastewater lagoons, where two or more cells are located side-by-side or share a common embankment, a single annual inspection fee will be charged for the facility. The cell with the highest downstream hazard classification will be used for fee computation.

(5) Inspection fee for nonroutine inspections. For nonroutine inspections as described in WAC 173-175-725, no fees will be charged to the dam owner.

(6) Inspection fee for inspections at public request. For inspections done at public request, as described in WAC 173-175-735, no fees will be charged to the dam owner.

[Statutory Authority: Chapters 43.21A and 90.03 RCW. 05-18-039 (Order 05-11), § 173-175-765, filed 8/31/05, effective 10/1/05. Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-765, filed 8/4/04, effective 9/4/04.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-175-775 Periodic inspection fee computation. (1) The department shall charge inspection fees based on the fee schedule contained in WAC 173-175-765. After July 1st of each year, the department shall publish the adjusted fees by providing notice on its internet site, and by providing written notification by mail or electronic mail to owners of high and significant hazard dams. The inspection fees must be received by the department within forty-five days after the department mails a billing statement.

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(2) Inspection fee computation. Computation of fees shall begin on the first day of each fiscal year. In the case of new dams not previously covered by the inspection program, fee computation begins on the first day of each fiscal year following completion of construction.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-775, filed 8/4/04, effective 9/4/04.]

WAC 173-175-785 Periodic inspection fee payments.

(1) The applicable inspection fee shall be paid by check or money order payable to the department of ecology and mailed to the following address:

Department of Ecology
Dam Safety Inspection Fee Program
P.O. Box 5128
Lacey, Washington 98509-5128.

(2) In the event a check is returned due to insufficient funds, the department shall consider the inspection fee to be unpaid.

(3) Delinquent accounts. Dam owners are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. Delinquent accounts will be processed in the following manner:

(a) Municipal and government entities shall be notified by certified mail that they have one hundred eighty days to bring the delinquent account up-to-date. Regulatory orders may be issued to enforce a restriction of reservoir filling until all delinquent fees are paid on accounts that remain delinquent after ninety days.

(b) Nonmunicipal or nongovernment dam owners shall be notified by the department by certified mail that they have one hundred eighty days to bring the delinquent account up-to-date. Accounts that remain delinquent after one hundred eighty days may be turned over for collection. In addition, a surcharge totaling twenty percent of the delinquent amount owed will also be added. The surcharge is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the department may issue regulatory orders to enforce restriction of reservoir filling until all delinquent fees are paid.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-785, filed 8/4/04, effective 9/4/04.]

WAC 173-175-795 Periodic inspection fees for transfer of ownership or control. The department shall charge inspection fees from the dam owner on record with the department. In the event that ownership or control of a dam is transferred, it shall not be the responsibility of the department to transfer funds between a new and previous dam owner, and the department shall not refund fee charges prospectively in the event of a transfer. Fees paid by a previous dam owner shall be deemed to satisfy the corresponding fee payment requirements of a new dam owner. Agreements between a new and previous dam owner are not binding on the department.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. 04-16-122 (Order 03-08), § 173-175-795, filed 8/4/04, effective 9/4/04.]

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Chapter 173-180 WAC
FACILITY OIL HANDLING STANDARDS

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PART H: DRILL PROGRAM

173-180-800	Applicability of Part H.
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PART A: GENERAL REQUIREMENTS

WAC 173-180-010 Applicability of this chapter. The requirements in this chapter apply to all classes of oil handling facilities. This includes transfer operations involving any size nonrecreational vessel.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-010, filed 9/25/06, effective 10/26/06.]

WAC 173-180-015 Purpose. This chapter establishes minimum standards for safe oil transfer operations to meet a zero spill goal established by the legislature. This chapter emphasizes:

(1) Using a scaled approach to protect people and the environment;

(2) Preventing oil spills from occurring and emphasizing that oil spill prevention is the top priority strategy for reaching the legislature's goal of zero spills;

(3) Providing improved protection of Washington waters and natural resources from the impacts of oil spills caused by operational errors, human errors, improper oil-handling equipment design and operations;

(4) Minimizing the size and impacts of those oil spills which do occur; and

(5) Facilitating coordination of local, state, regional, tribal, and other prevention and contingency plans.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-015, filed 9/25/06, effective 10/26/06.]

WAC 173-180-020 Authority. The legislature granted ecology the authority to adopt these rules under the following statutes:

(1) RCW 88.46.160 and 88.46.165 provide statutory authority for regulating the transfer of oil on or over waters of the state.

(2) RCW 90.56.220 provides statutory authority for developing operations and design standards and implementing a compliance program established by this chapter.

(3) RCW 90.56.230 provides statutory authority for operations manual preparation and review requirements established by this chapter.

(4) RCW 90.56.220 provides statutory authority for the personnel training and certification requirements established by this chapter.

(5) RCW 90.56.200, 90.56.300 and 90.56.310 provide statutory authority for the prevention plan preparation and review requirements established by this chapter.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-020, filed 9/25/06, effective 10/26/06.]

WAC 173-180-025 Definitions. (1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection available. The director's determination of best achievable protection must be guided by the critical need to protect the state's natural resources and waters, while considering: The additional protection provided by the measures, the technological achievability of the measures, and the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration: Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; and processes that are currently in use. In determining what best achievable technology is, the director must consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Boatyard" means a Class 4 facility which builds, repairs, or refurbishes nonrecreational vessels under three hundred gross tons, regardless of fuel capacity.

(4) "Boom" means flotation boom or other effective barrier containment material suitable for containment of oil discharged onto the surface of the water.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(7) "Certification" means the documentation that a facility employee has met all requirements of an oil transfer training and certification program that meets the requirements of this chapter.

(8) "Class 1 facility" means a facility as defined in RCW 90.56.010 as:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A Class 1 facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(9) "Class 2 facility" means a railroad car, motor vehicle, portable device or other rolling stock, while not transporting oil over the highways or rail lines of the state, used to transfer oil to a nonrecreational vessel.

(10) "Class 3 facility" means a structure that:

(a) Transfers to a nonrecreational vessel with a capacity of ten thousand five hundred or more gallons of oil whether the vessel's oil capacity is used for fuel, lubrication oil, bilge waste, or slops or other waste oils;

(b) Does not transfer oil in bulk to or from a tank vessel or pipeline; and

(c) Does not include any: Boatyard, railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by ecology or a local government under chapter 90.76 RCW; or a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330.

(11) "Class 4 facility" means a structure that:

(a) Is a marina, boatyard, marine fueling outlet, and other fueling installations that transfer to a nonrecreational vessel with a capacity to hold less than ten thousand five hundred gallons of oil whether the vessel's oil capacity is used for fuel, lubrication oil, bilge waste, or slops or other waste oil;

(b) Does not transfer oil in bulk to or from a tank vessel or pipeline; and

(c) Does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by ecology or a local government under chapter 90.76 RCW; or a motor vehicle motor fuel outlet; or a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330.

(12) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(13) "Director" means the director of the department of ecology.

(14) "Directly impact" means without treatment.

(15) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping regardless of quantity.

(16) "Ecology" means the department of ecology.

(17) "Gross ton" means a vessel's approximate volume as defined in Title 46, United States Code of Federal Regulations (CFR), Part 69.

(18) "Innage" means the difference from the surface of the liquid to the tank bottom.

(19) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have

been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(20) "Nonrecreational vessel" means any vessel that is not a recreational vessel as defined in this section.

(21) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 CFR Part 302 adopted August 14, 1989, under section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(22) "Offshore facility" means any class facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(23) "Onshore facility" means any class facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(24) "Owner or operator" means:

(a) In the case of a vessel, a person who owns, operates, or charters by demise, a vessel;

(b) In the case of an onshore or offshore facility, a person who owns or operates this type of facility;

(c) In the case of an abandoned vessel or abandoned onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment; and

(d) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(25) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(26) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(27) "Personnel" means individuals employed by, or under contract with a facility or vessel.

(28) "Person in charge" or "PIC" means a person qualified and designated as required under 33 CFR 155, for vessels, 33 CFR 154 for Class 1, 2, or 3 facilities, or if not designated, the person with overall responsibility for oil transfer operations.

(29) "Process pipelines" means a pipeline used to carry oil within the oil refining/processing units of a Class 1 facility, process unit to tankage piping and tankage interconnecting piping. Process pipelines do not include pipelines used to transport oil to or from a tank vessel or transmission pipeline.

(30) "Public vessel" means a vessel that is owned, or demise chartered, and is operated by the United States gov-

ernment, or a government of a foreign country, and is not engaged in commercial service.

(31) "Recreational vessel" means a vessel owned and operated only for pleasure with no monetary gain involved, and if leased, rented, or chartered to another for recreational use, is not used for monetary gain. This definition applies to vessels such as house boats, ski boats, and other small craft on a rental or lease agreement.

(32) "Secondary containment" means containment systems, which prevent the discharge of oil from reaching the waters of the state.

(33) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(34) "Spill" means an unauthorized discharge of oil into the waters of the state.

(35) "State" means the state of Washington.

(36) "Storage tank" means all aboveground containers connected to transfer pipelines or any aboveground containers greater than ten thousand gallons (two hundred thirty-eight barrels), including storage and surge tanks, used to store bulk quantities of oil. Storage tanks do not include those tanks regulated by chapter 90.76 RCW, rolling stock, wastewater treatment equipment, process pressurized vessels or other tanks used in the process flow through portions of the facility.

(37) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(38) "Transmission pipeline" means an interstate or intrastate pipeline subject to regulation by the United States Department of Transportation under 49 CFR 195 in effect on the effective date of this section, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

(39) "Transfer" means any movement of oil in bulk to or from a nonrecreational vessel or transmission pipeline.

(40) "Transfer pipeline" is a buried or aboveground pipeline used to carry oil to or from a tank vessel or transmission pipeline, or to a vessel and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis by ecology.

(41) "Topping off" means the receipt of oil into the last ten percent of available tank capacity in any tank.

(42) "Ullage" means the depth of space above the free surface of the liquid to the reference datum of that tank.

(43) "Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and land adjoining the seacoast of

the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-025, filed 9/25/06, effective 10/26/06.]

WAC 173-180-030 Compliance with federal rule or law. (1) Any person with oil handling and transfer duties must comply with applicable provisions of federal law and regulation governing licensing and documentation, equipment, operations and oil transfers.

(2) The following Code of Federal Regulations (CFR) in effect on the effective date of this chapter are incorporated by reference:

- (a) 33 CFR 156.120, 33 CFR 156.150, 33 CFR 156.170;
- (b) 33 CFR 154.300, 154.310, 154.570, 154.710, 154.1050, 154.1055, and Subpart F;
- (c) 40 CFR 112; and
- (d) 49 CFR 195.

(3) All federal regulations incorporated in this chapter are available through the National Archive and Records Administration web site located here: <http://www.gpoaccess.gov/cfr/index.html>

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-030, filed 9/25/06, effective 10/26/06.]

WAC 173-180-035 Inspections. (1) Ecology may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.56.050, 90.56.410, and 88.46.167.

(2) To ensure compliance with this chapter, ecology may ask for the following during inspections and the facility is required to:

- (a) Provide proof of compliance by producing all required records and documents;
- (b) Provide proof of compliance of the ability to meet the spill prevention equipment and procedures of this chapter;
- (c) Provide proof of compliance of the ability to meet the transfer containment and recovery standards in WAC 173-180-221 and 173-180-222; and
- (d) Provide proof of training and certification, if applicable.

(3) Ecology will provide an inspection report to the facility at the conclusion of the inspection.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-035, filed 9/25/06, effective 10/26/06.]

WAC 173-180-040 Recordkeeping. (1) Records required by this chapter must be maintained and available to ecology for a minimum of three years, except for the following:

(a) Preload plans and declaration of inspection (DOI) kept for at least thirty days from date of the oil transfer operation.

(b) The design, construction, and repair records for storage tanks, pipelines, and all oil transfer equipment testing and repair records kept for the life of the equipment. Inspection, maintenance, and repair records for pumps, valves, manifolds, and other ancillary equipment used in oil transfers must be kept for ten years.

(2007 Ed.)

(c) Oil transfer personnel training and certification records for Class 1 and 2 facilities kept for five years from the date the persons were certified.

(2) All records required in this chapter must be available to ecology for photocopying upon request.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-040, filed 9/25/06, effective 10/26/06.]

WAC 173-180-045 Threat of a spill. (1) Ecology may determine that immediate action is necessary to suspend or delay transfer operations from a facility if there is a condition posing a substantial threat of discharge of oil on or over waters of the state, or harm to public health and safety, or both.

(2) Ecology may coordinate with the Coast Guard to:

- (a) Issue an administrative order that may require immediate suspension of oil transfers;
- (b) Specify each condition requiring immediate action to eliminate the condition; and
- (c) Notify the PICs that oil transfers may resume once ecology is satisfied the threat is no longer substantial.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-045, filed 9/25/06, effective 10/26/06.]

WAC 173-180-050 Oil spills. (1) Facility personnel involved with the oil transfer must immediately stop an oil transfer operation whenever oil could originate from the current oil transfer operation and is:

- (a) Observed or spilled into the water or on the shoreline adjoining the transfer area;
- (b) Discharged into oil spill containment or on the vessel deck.

(2) The facility PIC must make notifications as required in RCW 90.56.280.

(3) The facility PIC may resume an oil transfer once the following conditions are met:

- (a) The source of the spill is controlled, contained, and a proper response is underway;
- (b) The PICs must agree there is no further threat of a spill.

(4) After a spill to water, the facility PIC may resume a transfer if:

- (a) The conditions in subsection (3) of this section are met; and
- (b) Approval is received from the state on-scene coordinator in conjunction with the federal on-scene coordinator.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-050, filed 9/25/06, effective 10/26/06.]

WAC 173-180-055 Work hours. (1) Personnel with oil transfer duties may not work more than sixteen hours in any twenty-four-hour period, nor more than forty hours in any seventy-two-hour period, except in an emergency or spill response operation. For purposes of this section, "emergency" means an unforeseen situation that poses an imminent threat to human safety, or the environment, or substantial loss of property.

(2) The owner or operator of a Class 1, 2, or 3 facility must maintain records such as maintenance records or payroll

records demonstrating compliance with work hour restrictions.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-055, filed 9/25/06, effective 10/26/06.]

WAC 173-180-060 Personnel qualifications. (1) The owner or operator of a Class 1, 2, or 3 facility must designate a PIC in writing.

A designated PIC must supervise all oil transfer operations.

(2) All Class 1 and 2 facility personnel designated as a PIC must have completed a training and certification program established by the operator and approved under Part E of this chapter.

(3) All personnel assigned responsibilities related to an oil transfer operation must be qualified to perform those duties as required by federal law or rule, or both.

(4) Each PIC must carry or have readily available evidence of designation as a PIC when engaged in an oil transfer operation.

(5) All Class 1 and 2 personnel involved in a transfer must carry or have readily available evidence of completion of the facility's training and certification program.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-060, filed 9/25/06, effective 10/26/06.]

WAC 173-180-065 Noncompliance. Any violation of this chapter may be subject to enforcement and penalty sanctions of chapters 90.56, 90.48, and 88.46 RCW.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-065, filed 9/25/06, effective 10/26/06.]

WAC 173-180-070 Equivalent compliance plan. (1) Any facility may submit a proposal for equivalent compliance for the alternative measures required in WAC 173-180-221 and 173-180-222. Any facility who submits a proposal must preboom or meet the applicable alternative measures requirements until the equivalent compliance plan is approved.

(a) Rate A deliverers may only submit an equivalent compliance plan proposal for alternative measures found in WAC 173-180-221(7).

(b) Rate B deliverers may only submit an equivalent compliance plan proposal for alternative measures found in WAC 173-180-222(2).

(2) The proposal must contain the following and in the order presented:

(a) Cover sheet with name of company seeking equivalent compliance and point of contact information;

(b) Table of contents including supporting documents and appendices;

(c) Executive summary of the equivalent proposal;

(d) A detailed description of the equivalent proposal that includes, when appropriate, the equipment, personnel, operating procedures, and maintenance systems and any other alternatives that are being proposed;

(e) A detailed analysis of how the proposal offers equivalent or greater level of protection as compared to the requirements in this chapter. This includes:

(i) Methodology of the analysis;

(ii) Detailed results with supporting data, references, graphs, tables, pictures, and other relevant information;

(iii) Technical feasibility of proposal versus current requirements.

(3) **Submission timeline of proposed equivalent compliance plan:** The facility must submit the equivalent compliance proposal to ecology at least one hundred twenty calendar days before planned operation under the section.

(a) Ecology will make the proposal available for a thirty-calendar-day public review and comment period.

(b) Ecology may request additional information regarding any aspect of the proposal such as site-specific meteorological, water current velocity, and other monitoring data to support the proposal.

(c) Ecology will respond to the facility within ninety calendar days of receipt of the equivalent compliance proposal with a letter approving, conditionally approving, or disapproving the proposal.

(d) The approval will be valid for no more than five years from the date on the approval letter.

(4) **Approval of proposed equivalent compliance plan:** Ecology may approve the equivalent compliance proposal if, based upon the documents submitted and other information available to the agency, it finds that:

(a) The equivalent compliance proposal is complete and accurate; and

(b) The equivalent compliance proposal would provide an equivalent or greater level of environmental protection as the alternative measures required in WAC 173-180-221 and 173-180-222.

(5) Ecology may reconsider an approval, or conditional approval, at any time after a response to a significant oil spill by the company.

(6) The owner or operator must submit one paper copy and one electronic copy of the proposal to ecology.

The Department of Ecology

Spill Prevention, Preparedness, and Response Program

Equivalent Compliance Review

P.O. Box 47600

Olympia, WA 98504-7600

Or

The Department of Ecology

Spill Prevention, Preparedness, and Response Program

Equivalent Compliance Review

300 Desmond Drive

Lacey, WA 98503

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-070, filed 9/25/06, effective 10/26/06.]

WAC 173-180-075 Severability. If any provision of this chapter is held invalid, the remainder of this chapter is not affected.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-075, filed 9/25/06, effective 10/26/06.]

PART B: OIL TRANSFER REQUIREMENTS

WAC 173-180-200 Applicability of Part B. (1) The general sections of Part B apply to Class 1, 2, 3, and 4 facilities.

(2) Requirements for Class 1, 2, and 3 facilities are found in WAC 173-180-205 and 173-180-215 through 173-180-250.

(3) Requirements for Class 4 facilities are found in WAC 173-180-205 and 173-180-210.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-200, filed 9/25/06, effective 10/26/06.]

WAC 173-180-205 Oil transfer equipment at Class 1, 2, 3, and 4 facilities. (1) All hoses or piping used in an oil transfer operation must meet the following criteria:

(a) Hoses or piping must be supported so as to avoid crushing or excessive strain. Flanges, joints, hoses, and piping must be visually checked prior to the transfer for cracks and signs of leakage.

(b) All hoses and loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on any component of the oil transfer equipment.

(c) Each hose must have no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil or hazardous material through the hose material and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement ("reinforcement" means the strength members of the hose, consisting of fabric, cord and/or metal).

(d) Hoses or piping must not be permitted to chafe on the dock or vessel or be in contact with any source that might affect the integrity of the hoses.

(e) Hose ends must be blanked tightly when hoses are moved into position for connection, also immediately after they are disconnected, and residue drained either into the vessel tanks or into suitable shore receptacles before they are moved away from their connections.

(2) Testing of all oil transfer equipment, including, but not limited to, pumps, valves, piping, manifolds, connections, and hoses, must be done annually, and must be conducted by using one of the following methods:

(a) In accordance with manufacturers' recommendations and industrial standards; or

(b) Procedures identified in 33 CFR 156.170.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-205, filed 9/25/06, effective 10/26/06.]

WAC 173-180-210 Requirements for Class 4 facilities only. (1) **Response and recovery equipment:** The owner or operator of each Class 4 facility must ensure that cleanup of at least a twenty-five gallon spill can occur by having all of the following:

Response and recovery equipment maintained in a standby condition and available to the receiving vessel:

(a) Sufficient and appropriate boom of no less than two hundred feet available in the standby position;

(b) Oil spill sorbent materials appropriate for use in water and on land;

(c) Nonsparking hand scoops, shovels, and buckets;

(2007 Ed.)

(d) Containers suitable for holding the recovered oil and oily water; and

(e) Protective clothing and other appropriate personal protective gear necessary to safely respond to oil spills.

(2) **Trained personnel:** The owner or operator of each Class 4 facility must:

(a) Provide annual training for employees involved in an oil transfer operation, that at a minimum includes:

(i) Dangers and safe practices regarding the petroleum products transferred at that location;

(ii) Safe and effective use and handling of response and recovery equipment; and

(iii) Spill notification procedures;

(b) Train all employees with oil transfer duties within ninety calendar days of the date of hire. No employee may be in charge of an oil transfer operation at the Class 4 facility without proper training;

(c) Keep a record of oil transfer training at the facility and make the record available to ecology upon request.

(3) **Spill notification information:** The owner or operator of each Class 4 facility must provide spill notification information on a wallet-sized card for each employee and posted at the dock for fueling customers. The notification information must include:

(a) Required notifications in RCW 90.56.280;

(b) A phone number for a spill response contractor; and

(c) If the Class 4 facility is not always staffed, a twenty-four-hour phone number where someone designated by the owner or operator of the facility can be reached to start the spill response. The contact phone number must be posted on the dock or transfer location in a location that is easy to see.

(4) The owner or operator of each Class 4 facility must ensure all oil transfer equipment is properly inspected and maintained in accordance with WAC 173-180-205.

(5) Class 4 facilities, also known as marine fueling outlets, that are transferring less than three thousand gallons of oil in a single transaction, are exempt from advance notice requirements for oil transfer operations as described in RCW 88.46.165.

(6) **Semiannual reporting:** Class 4 facilities must report all bulk oil transfers conducted at the facility.

(a) The report must include types of oil transferred and total volume of transfers by oil type.

(b) The facility must submit the report to ecology by January 15 and July 15 of each year.

(c) The facility must submit the report either by e-mail or by U.S. mail to the following address:

E-mail: oiltransfernotifications@ecy.wa.gov

U.S. mail:

Department of Ecology

Spill Prevention, Preparedness, and Response Program

P.O. Box 47600

Olympia, WA 98504-7600

(7) **Compliance schedule:** Class 4 facilities must implement the requirements in subsections (1) and (2) of this section within one hundred twenty calendar days from the effective date of this chapter. Class 4 facilities must implement the remaining requirements on the effective date of this chapter.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-210, filed 9/25/06, effective 10/26/06.]

WAC 173-180-215 Advance notice of transfer for Class 1, 2, and 3 facilities. (1) The delivering facility involved in an oil transfer of more than one hundred gallons must notify ecology at least twenty-four hours prior to an oil transfer operation; except: If the deliverer cannot meet the notification requirements in this section, notice must be provided as soon as possible.

(2) The notice of transfer must be submitted to ecology on the "Advanced Notice of Transfer" form provided by ecology or a facsimile, and must contain the following information in the order provided:

(a) Company name, address, contact person and telephone number of organization delivering the oil;

(b) Date of transfer operation, estimated starting time, and duration of the oil transfer operation;

(c) Name of delivering facility and receiving vessel involved in the oil transfer and the vessel's Lloyds Registry/International Maritime Organization (LR/IMO) number or official number if available;

(d) City name and either the address or location/anchorage where the oil transfer operation will occur;

(e) Oil product type and quantity in gallons or barrels; and

(f) Whether or not prebooming will take place? (yes or no).

(3) Notification may be made by the deliverer's agent or other contracted representative.

(4) The notification form may be submitted via internet web site that ecology established, by e-mail, or by facsimile. The notification form and contact information is found on ecology's web site: <http://www.ecy.wa.gov/programs/spills/spills.html>

(5) Compliance schedule: All Class 1, 2, and 3 facilities must begin submitting advance notice within thirty calendar days of the effective date of this chapter.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-215, filed 9/25/06, effective 10/26/06.]

WAC 173-180-220 Transfer containment and recovery requirements. (1) These standards apply to all oil transfers that involve any jet fuels, diesels, heating oils, and any other oils that are recoverable when spilled to water. These standards do not apply to facilities delivering gasoline, aviation gasoline, and other highly volatile products with similar characteristics.

(2) The deliverer must first determine the rate at which oil is to be transferred and then follow the applicable standards outlined in this chapter:

(a) Rate A means oil transfer operations at a rate over five hundred gallons per minute. Rate A requirements are found in WAC 173-180-221.

(b) Rate B means oil transfer operations at a rate of five hundred gallons per minute or less. Rate B requirements are found in WAC 173-180-222.

(3) To meet the requirements of this chapter, the deliverer must have personnel trained in the proper use and maintenance of boom and recovery equipment.

(4) All boom and associated equipment, including the equipment used to deploy the boom, must be of the appropriate size and design for the environmental conditions encountered

in the transfer area(s) based on the manufacturers' specifications.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-220, filed 9/25/06, effective 10/26/06.]

WAC 173-180-221 Rate A prebooming requirements and Rate A alternative measures requirements. This section generally applies to delivering facilities; however, any Class 1 facility receiving oil from a Rate A delivering vessel must provide the safe and effective threshold values to the vessel.

(1) The Rate A deliverer must preboom oil transfers when it is safe and effective to do so. When prebooming is not safe and effective, the deliverer must meet the alternative measure requirements found in subsection (7) of this section.

(2) The determination of safe and effective must be made prior to starting a transfer or, if conditions change during a transfer. To make this determination, the deliverer must use the safe and effective threshold values found in their operations manual. Safe and effective threshold values are determined using the safe and effective threshold determination report - see WAC 173-180-224.

(3) When it is not safe and effective, or when conditions develop during a preboomed transfer that require removal of the boom, the Rate A deliverer must report this finding to ecology and meet the alternative measures found in subsection (7) of this section. The *Ecology Boom Reporting Form* must be used for this purpose, and submitted by e-mail or facsimile prior to the transfer and/or immediately when conditions have changed.

(4) If multiple oil transfers are occurring simultaneously with a single vessel, and one product transferred is not appropriate to preboom, then that portion of the transfer where it is unsuitable to preboom must use the alternative measures found in subsection (7) of this section.

(5) For the purposes of this section, the deliverer must be able to quickly disconnect all boom in the event of an emergency.

(6) Rate A prebooming requirements.

(a) In order to preboom transfers, the deliverer must have, prior to the transfer, access to boom four times the length of the largest vessel involved in the transfer or two thousand feet, whichever is less.

The deliverer must deploy the boom such that it completely surrounds the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the deliverer may preboom the portion of the vessel and transfer area which will provide for maximum containment of any oil spilled into the water.

(i) The boom must be deployed with a minimum stand-off of five feet away from the sides of a vessel, measured at the waterline. This stand-off may be modified for short durations needed to meet a facility or ship's operational needs.

(ii) The deliverer must periodically check the boom positioning and adjust as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events.

(b) In addition to prebooming, the deliverer must have the following recovery equipment available on-site:

(i) Containers suitable for holding the recovered oil and oily water;

- (ii) Nonsparking hand scoops, shovels, and buckets; and
- (iii) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land.

(c) For preboomed transfers, within one hour of being made aware of a spill, the deliverer must be able to complete deployment of the remaining boom, should it be necessary for containment, protection, or recovery purposes.

(7) **Rate A alternative measures.** Rate A deliverers must use these alternative measures when it is not safe and effective to meet the prebooming requirements.

(a) To meet the alternative measures requirements the deliverer must have access to boom four times the length of the largest vessel involved in the transfer, or two thousand feet, whichever is less.

(b) In addition to the boom, the deliverer must have the following available on-site:

- (i) Containers suitable for holding the recovered oil and oily water;
- (ii) Nonsparking hand scoops, shovels, and buckets; and
- (iii) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land.

(c) The deliverer must have the ability to safely track the spill in low visibility conditions. The tracking system must be on-scene within thirty minutes of being made aware of a spill.

(d) For alternative measures: Within one hour of being made aware of a spill, the deliverer must be able to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the deliverer may preboom the portion of the vessel and transfer area which will provide for maximum containment of any oil spilled into the water.

(e) For alternative measures: Within two hours of being made aware of a spill, the deliverer must have the following:

- (i) Additional boom four times the length of the largest vessel involved in the transfer, or two thousand feet, whichever is less, available for containment, protection, or recovery; and
- (ii) A skimming system must be on-site. The skimming system must be in stand-by status and be capable of fifty barrels recovery and one hundred barrels of storage.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-221, filed 9/25/06, effective 10/26/06.]

WAC 173-180-222 Rate B prebooming requirements and Rate B alternative measures requirements. (1) **Rate B prebooming requirements.** The Rate B deliverer must choose to meet either the following prebooming requirements in this section or the alternative measures found in subsection (2) of this section. If prebooming is chosen, then:

(a) Prior to starting the oil transfer operation, the deliverer must deploy boom so that it completely surrounds the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the deliverer may preboom the portion of the vessel and transfer area which will provide for maximum containment of any oil spilled into the water.

(i) The deliverer must deploy the boom with a minimum stand-off of five feet away from the sides of a vessel, measured at the waterline. This stand-off may be modified for short durations needed to meet a facility or ship's operational needs;

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(ii) The deliverer must periodically check boom positioning and adjust the boom as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events;

(b) In addition, the deliverer must have the following recovery equipment available on-site:

- (i) Containers suitable for holding the recovered oil and oily water;
- (ii) Nonsparking hand scoops, shovels, and buckets; and
- (iii) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land.

(c) For prebooming: Within one hour of being made aware of a spill, the deliverer must be able to completely deploy an additional five hundred feet of boom. This boom may be used for containment, recovery, or protection.

(2) **Rate B alternative measures requirements.** If a Rate B chooses alternative measures, then:

(a) Prior to starting the oil transfer operation, the deliverer must have access to boom sufficient to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the deliverer may preboom the portion of the vessel and transfer area which will provide for maximum containment of any oil spilled into the water.

(b) In addition, the deliverer must have the following recovery equipment available on-site:

- (i) Containers suitable for holding the recovered oil and oily water;
- (ii) Nonsparking hand scoops, shovels, and buckets; and
- (iii) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land.

(c) For alternative measures: Within one hour of being made aware of a spill, the deliverer must be able to complete deployment of an additional five hundred feet of boom for containment, protection or recovery.

(d) For alternative measures: Within two hours of being made aware of a spill, the deliverer must have an additional five hundred feet of boom available on-scene for containment, protection, or recovery.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-222, filed 9/25/06, effective 10/26/06.]

WAC 173-180-223 Compliance schedule for pre-booming and alternative measures for Rate A and Rate B transfers. (1) Any class facility conducting Rate A transfers must meet all the applicable requirements in WAC 173-180-220 and 173-180-221 except WAC 173-180-221(6) within one hundred twenty calendar days of the effective date of this chapter. All Rate A transfers must meet the requirements of WAC 173-180-221(6) within three hundred sixty-five calendar days from the effective date of the chapter.

(2) Any class facility conducting Rate B transfers must meet all the requirements of WAC 173-180-220 and 173-180-222 within one hundred twenty calendar days from the effective date of this chapter.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-223, filed 9/25/06, effective 10/26/06.]

WAC 173-180-224 Safe and effective threshold determination report. (1) **Report requirements.** The

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report must include at a minimum the following, in the order presented:

(a) Cover sheet with name of company submitting the report and point of contact.

(b) Table of contents including supporting documents and appendices.

(c) Summary of safe and effective threshold values.

(d) The body of the report must include the following:

(i) The information used to support these values which must be based upon on-site environmental monitoring data recorded at specific times, dates, and locations.

(ii) These values and the supporting data must address, at a minimum, the following site specific information:

(A) Personnel safety;

(B) Sea state values in feet including typical wave periods;

(C) Water current velocity such as peak currents, sustained currents in hourly increments, and direction of flow, during typical oil transfer operations;

(D) Wind speed in knots, and prevailing directions;

(E) Other conditions such as vessel traffic, fishing activities, and other factors that influence the oil transfer operation.

(iii) The facility must provide a detailed analysis of the proposed threshold values for the transfer location including:

(A) Methodology of the analysis;

(B) Equipment used to measure data collected;

(C) Supporting data, references, graphs, tables, pictures, and other relevant information.

(2) **Submittal requirements.** Rate A deliverers must submit a safe and effective threshold determination report to ecology for review and approval for each location at which a Rate A transfer occurs. One paper and one electronic copy of the safe and effective threshold determination report must be delivered to:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Safe and Effective Threshold Determination Report
P.O. Box 47600
Olympia, WA 98504-7600

Or

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Safe and Effective Threshold Determination Report
300 Desmond Drive
Lacey, WA 98503

(3) Review and approval process.

(a) When reviewing threshold determination reports, ecology must consider the following:

(i) Personnel safety;

(ii) Operating environment of the transfer location(s) such as site specific meteorological, water current velocity, and other monitoring data to support the threshold values determination;

(iii) Accepted industry standards regarding the performance of boom and associated response equipment in various operating environments;

(iv) Types of oil transfer operations including bunkering, cargo operations, transfer rates, and other factors that influence oil transfers.

(b) Ecology will make the report available for a thirty calendar day public review and comment period.

(c) Ecology will respond to the facility within ninety calendar days of receipt of the report with a letter approving, conditionally approving, or disapproving the report.

(d) The approval of this report will be valid for no more than five years from the date on the approval letter.

(e) Ecology may require a new review and approval process for this report after a spill by the facility.

(4) Compliance and submittal schedule.

(a) The safe and effective threshold determination report must be submitted one hundred eighty calendar days after the effective date of this chapter.

(b) For facilities starting operation after the effective date of this chapter, the report must be submitted at least one hundred twenty calendar days prior to the first oil transfer operation.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-224, filed 9/25/06, effective 10/26/06.]

WAC 173-180-225 Providing safe vessel access. A Class 1 or 3 facility must provide safe access for personnel if the vessel cannot provide the safe access.

(1) The access must be secured both top and bottom to prevent movement of the access platform.

(2) The entire ladder and the portion of the facility and ship's deck where access is provided must be illuminated during low light or low visibility situations and without glare to the persons using the access.

(3) In the event weather conditions make the access unsafe, the PICs may elect to use radio communication.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-225, filed 9/25/06, effective 10/26/06.]

WAC 173-180-230 Preloading or cargo transfer plan requirement. Prior to any oil transfer, a transfer plan must be filled out and discussed between the delivering and receiving PICs. A facility must not begin a transfer until this plan has been discussed during the pretransfer conference described in WAC 173-180-235. The plan must, at a minimum, include:

(1) Identification, location and capacity of the vessel's tanks receiving oil;

(2) Level and type of liquid in all bunker or cargo oil tanks prior to the oil transfer;

(3) Final ullage or innage, and percent of each tank to be filled;

(4) Sequence in which the tanks are to be filled; and

(5) The facility or vessel's procedures to regularly monitor all receiving tank levels and valve alignments during the transfer operation.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-230, filed 9/25/06, effective 10/26/06.]

WAC 173-180-235 Pretransfer conference. (1) Before the start of an oil transfer operation, the PICs must hold a face-to-face pretransfer conference. If the PICs determine

weather conditions prevent safe access, PICs may communicate via radio.

(2) The PICs must discuss and agree upon:

(a) The preloading or cargo plan;

(b) The contents of the declaration of inspection (DOI) required under 33 CFR 156.150;

(c) Procedures for communicating soundings, changing over tanks, and beginning topping off;

(d) Shift change procedures;

(e) Emergency shutdown procedures and identify all means to shut down the oil transfer operation in an emergency; and

(f) Expected weather and/or sea conditions and threshold values for weather and sea conditions above which oil transfer operations must cease.

(3) During a pretransfer conference that involves a covered vessel, the point-of-transfer watch and deck-rover watch must be identified to PICs.

(4) An oil transfer operation will not begin unless a person proficient in both English and a language common to the vessel's officers and crew is present at the pretransfer conference.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-235, filed 9/25/06, effective 10/26/06.]

WAC 173-180-240 Communications. (1) The facility PIC must ensure continuous two-way voice communication is usable and available in all weather conditions as well as all phases of the transfer operation between the PICs.

(2) The facility PIC must ensure at least the following are available for use during the oil transfer operation:

(a) Two portable communication devices that are intrinsically safe; and

(b) An air horn for emergency signals.

(3) The PICs must ensure personnel involved in the oil transfer operation know and use English phrases and hand signals to communicate the following instructions during the oil transfer: "Stop," "hold," "wait," "fast," "slow," and "finish."

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-240, filed 9/25/06, effective 10/26/06.]

WAC 173-180-245 Oil transfer procedures. For all transfer operations involving Class 1, 2, or 3 facilities must comply with the transfer procedures in 33 CFR 156 and 154 and the following:

(1) All oil transfer operations must be conducted in accordance with the facility's approved operations manual.

(2) Ensure that transfer connections have been made according to the operations manual:

(a) Use appropriate material in joints and couplings to ensure a leak-free seal;

(b) Use either:

(i) A bolted or full threaded connection; or

(ii) A quick-connected coupling with a means of securing the coupling to prevent accidental release.

(c) Use a new compressible gasket appropriate for the product and transfer pressure;

(d) Use a bolt in every available hole;

(e) Use bolts of the correct size in each bolted connection;

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(f) Ensure that each bolt is properly torqued to distribute the load to ensure a leak-free seal;

(g) Do not use any bolt that shows signs of strain or is elongated or deteriorated.

(3) Have the means to contain and recover any drips from connections within the oil transfer system.

(4) Deliverers providing oil to vessels without fixed containment must use automatic back pressure shutoff nozzles and also provide enough portable containment for each tank vent on the vessel.

(5) Conduct a pretransfer conference as defined in WAC 173-180-235.

(6) Ensure that the available capacity in the receiving tank(s) is (are) greater than the volume of oil to be transferred and all other valves which could influence the routing of the transferred oil are properly aligned.

(7) The PICs must verify at the start of the transfer that the tanks designated in the preload or cargo transfer plan are receiving oil at the expected rate.

(8) Each PIC must ensure that the means of operating the emergency shutdown system is immediately available while oil is transferred between the deliverer and receiver.

(9) A PIC must refuse to initiate or must cease transfer operations with any vessel which:

(a) Has not provided complete information as required by the DOI;

(b) Has refused to correct deficiencies identified by the PIC during the pretransfer conference; or

(c) Does not comply with the operations manual or does not respond to concerns identified by the PIC.

(10) When a PIC shift change occurs the departing PIC must:

(a) Discuss the preload plan and transfer rate with the arriving PIC;

(b) Notify the PIC at the other side of the transfer that a shift change is taking place; and

(c) Ensure the relieving PIC reads and signs the DOI.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-245, filed 9/25/06, effective 10/26/06.]

WAC 173-180-250 Emergency shutdown. (1) Class 1, 2, or 3 facilities must have an emergency shutdown capable of stopping the flow of oil from the fixed or mobile facility to a vessel.

(2) The emergency shutdown must be located at the PICs usual operating station and at the dock manifold if not the same location.

(3) For oil transfers, the emergency shutdown must stop the flow:

(a) Within sixty seconds for any facility or portion of the facility that started transferring oil on or before November 1, 1980.

(b) Within thirty seconds for any facility or portion of the facility that transfers oil after November 1, 1980.

(4) Both PICs must be capable of ordering or activating an emergency shutdown.

(5) If a PIC orders an emergency shutdown, the shutdown must be activated immediately.

(6) To meet the requirements of subsection (3) of this section, the emergency shutdown must be either of the following:

(a) An electrical, pneumatic, or mechanical linkage to the facility; or

(b) An electronic voice communications system continuously operated by a person on the facility who can stop the flow of oil.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-250, filed 9/25/06, effective 10/26/06.]

PART C: DESIGN STANDARDS FOR CLASS 1 FACILITIES

WAC 173-180-300 Applicability of Part C. Part C applies to Class 1 facilities only. Ecology has not adopted design standards for Class 2, 3, or 4 facilities.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-300, filed 9/25/06, effective 10/26/06.]

WAC 173-180-310 Transmission pipeline transfer requirements. (1) For the purposes of this section:

(a) "Appropriate person" means a person designated by the facility as being competent and trained to implement a designated function.

(b) "Pipeline operator" means the operator of a transmission pipeline.

(2) General requirements. No person may conduct an oil transfer operation to or from a transmission pipeline unless the appropriate person and the pipeline operator have conducted pretransfer communications which identify:

- (a) Type of oil;
- (b) Transfer volume;
- (c) Flow rates;
- (d) Transfer startup or arrival time.

(3) Class 1 facilities which receive oil from a transmission pipeline must:

(a) Confirm that the proper manifold and valves are open and ready to receive product;

(b) Notify the transmission pipeline operator when a storage tank has less than one foot of oil above the inlet nozzle;

(c) Coordinate arrival time of oil with the pipeline operator;

(d) Confirm the available storage capacity for transfers to a facility;

(e) Ensure that only the designated tank(s) is (are) receiving oil;

(f) Ensure that proper transfer alignment of the pipeline, valves, manifolds and storage tanks have been made;

(g) Establish adequate communication in English between the facility and pipeline operator;

(h) For the purpose of scheduling inspections, ecology may require a twenty-four-hour notification to ecology in advance of any transfer of bulk oil by a facility operator. Ecology must request notification in writing when this procedure is required;

(i) Transfer operations must be supervised by an appropriate person;

(j) Each facility operator must ensure that the means of operating or requesting emergency shutdown is immediately available while oil is being transferred between the facility and the pipeline;

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(k) If startup, shutdown, and/or emergency shutdown are controlled by the pipeline operator directly using instrumentation and control devices, the accuracy of these devices must be checked at least annually; and

(l) All transfer operations must be conducted in accordance with operations manuals approved under this chapter.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-310, filed 9/25/06, effective 10/26/06.]

WAC 173-180-320 Secondary containment requirements for aboveground storage tanks. (1) Aboveground oil storage tanks must be located within secondary containment areas. Secondary containment systems must be:

(a) Designed, constructed, maintained and operated to prevent discharged oil from entering waters of the state at any time during use of the tank system;

(b) Capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Constructed with materials that are compatible with stored material to be placed in the tank system;

(d) Soil may be used for the secondary containment system, provided that any spill onto the soil will be sufficiently contained, readily recoverable and will be managed in accordance with the provisions under WAC 173-303-145 spills and discharges and any other applicable regulation;

(e) Constructed with sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the fluid stored in the storage tank, climatic conditions, and the stresses of daily operations (including stresses from nearby vehicular traffic);

(f) Placed on a base or foundation capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;

(g) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked oil and accumulated precipitation must be removed from the secondary containment system in a manner which will provide the best achievable protection of public health and the environment; and

(h) Visually inspected monthly to confirm secondary containment integrity. Items requiring attention as determined by the visual inspection must be documented. Records must be kept on-site for a minimum of three years.

(2) The secondary containment system must be maintained to prevent a breach of the dike by controlling burrowing animals and weeds.

(3) The secondary containment system must be maintained free of debris and other materials which may interfere with the effectiveness of the system, including excessive accumulated precipitation.

(4) The facility must maintain at least one hundred percent of the working capacity of the largest storage tank within the secondary containment area at all times.

(5) All secondary containment pumps, siphons and valves must be properly maintained and kept in good working order.

(6) Drainage of water accumulations from secondary containment areas that discharge directly to the land or

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waters of the state must be controlled by locally operated, positive shutoff valves or other positive means to prevent a discharge. Valves must be kept closed except when the discharge from the containment system is in compliance with chapter 90.48 RCW, Water pollution control. Valves must be locked closed when the facility is unattended. Necessary measures must be taken to ensure secondary containment valves are protected from inadvertent opening or vandalism. There must be some means of readily determining valve status by facility personnel such as a rising stem valve or position indicator.

(7) The owner or operator must inspect or monitor accumulated water before discharging from secondary containment to ensure that no oil will be discharged to the waters of the state. All water discharges must comply with state water quality program regulations as described in chapter 90.48 RCW.

(8) Ecology may require oil containers less than ten thousand gallons (two hundred thirty-eight barrels) capacity to have secondary containment when the container is located less than six hundred feet from navigable waters of the state or a storm water or surface drains which may impact navigable waters of the state.

(9) A secondary containment system constructed after the adoption date of this rule must be installed as follows:

(a) In accordance with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, section 2-3.4.3;

(b) Secondary containment systems must be capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Secondary containment systems must be designed to withstand seismic forces;

(d) Drains and other penetrations through secondary containment areas must be minimized consistent with facility operational requirements; and

(e) Secondary containment systems must be designed and constructed in accordance with sound engineering practice and in conformance with the provisions of this section.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-320, filed 9/25/06, effective 10/26/06.]

WAC 173-180-330 Storage tank requirements. (1)

Storage tanks constructed after the adoption date of this section must meet or exceed the 1993 version of the National Fire Protection Association (NFPA No. 30) requirements and one of the following design and manufacturing standards:

(a) UL No. 142, Steel Aboveground Tanks for Flammable and Combustible Liquids dated April 1993;

(b) API Standard 650, Welded Steel Tanks for Oil Storage dated November 1988;

(c) API Standard 620, Design and Construction of Large Welded, Low-Pressure Tanks dated June 1990; or

(d) Another standard approved by ecology.

(2) The owner or operator must ensure that the means of preventing storage tank overfill comply with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, Chapter 2, Section 2-10.

(3) Storage tanks must be maintained, repaired and inspected in accordance with the requirements of API 653

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dated January 1991, unless the operator proposes an equivalent inspection strategy which is approved by ecology.

(4) A record of all inspection results and corrective actions taken must be kept for the service life of the tank and must be available to ecology for inspection and copying upon request.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-330, filed 9/25/06, effective 10/26/06.]

WAC 173-180-340 Transfer pipeline requirements.

(1) Pipelines replaced, relocated or constructed after the adoption date of this rule which are located in areas not controlled by the facility must be installed in accordance with 49 CFR 195.246 through 49 CFR 195.254 as amended on October 8, 1991, where feasible. Facility control is established by fencing, barriers or other method accepted by ecology which protects the pipe right of way and limits access to personnel authorized by the facility.

(2) All pipelines must be protected from third party damage in a reasonable manner and be able to withstand external forces exerted upon them. This must be done by:

(a) Registering all underground pipelines located in public right of way areas in the local one call system if available;

(b) Maintaining accurate maps for all underground piping located outside the facility. The maps must identify pipe size and location. The approximate depths of pipelines must be identified for pipelines which do not comply with 49 CFR 195.248 as amended on October 8, 1991;

(c) Marking all piping located in areas not controlled by the facility in accordance with 49 CFR 195.410 as amended on October 8, 1991;

(d) Providing easement inspections of areas identified by (b) of this subsection on a weekly basis to determine if there is any uncommon activity occurring which may affect the integrity of the pipeline;

(e) Ensuring that pipelines at each railroad, highway or road crossing are designed and installed to adequately withstand the dynamic forces exerted by anticipated traffic loads.

(3) Pipelines constructed after the adoption date of this section must be designed and constructed in accordance with the American Society of Mechanical Engineers (ASME) Standard for pressure piping ASME B31.3 or B31.4 issued March 15, 1993, in effect during the time of construction or any other standard accepted by ecology.

(4) Pipelines must be inspected in accordance with API 570, 1993, Piping Inspection Code. As an alternative to complying with API 570, the facility must comply with the following requirement: Buried pipelines constructed after the adoption date of this rule must be coated. Coatings must be designed and inspected to meet the following conditions consistent with the definition of best achievable protection:

(a) Coatings must effectively electrically isolate the external surfaces of the pipeline system from the environment.

(b) Coatings must have sufficient adhesion to effectively resist underfilm migration of moisture.

(c) Coatings must be sufficiently ductile to resist cracking.

(d) The coating must have sufficient impact and abrasion resistance or otherwise be protected to resist damage due to soil stress and normal handling (including concrete coating

application, installation of river weights and anode bracelet installation, where applicable).

(e) The coating must be compatible with cathodic protection.

(f) The coating must be compatible with the operating temperature of the pipeline.

(g) Coatings must be inspected immediately before, during, or after pipe installation to detect coating faults. Faults in the coating must be repaired and reinspected.

(5) All buried coated pipelines must have properly operated cathodic protection which is maintained during the operational life of the pipeline system. Cathodic protection must be maintained on pipeline systems which are out-of-service but not abandoned unless the operator can show that the pipeline integrity has been properly monitored and secured as approved by ecology prior to operation of the abandoned pipeline. Pipeline owners or operators may perform a corrosion study to demonstrate that cathodic protection is not required as an option to installing cathodic protection. Corrosion studies must follow the following guidelines as a minimum:

(a) Corrosion studies must be completed by a professional engineer with experience in corrosion control of buried pipelines, a NACE certified corrosion specialist or by a person knowledgeable and qualified to perform the required testing and inspection who is approved by ecology.

(b) Corrosion studies for pipelines must include at a minimum, the following:

(i) Pipeline thickness and corrosion rate for existing pipelines;

(ii) Presence of stray DC currents;

(iii) Soil resistivity/conductivity;

(iv) Soil moisture content;

(v) Soil pH;

(vi) Chloride ion concentration; and

(vii) Sulfide ion concentration.

(6) All pipelines with cathodic protection are subject to the following requirements where applicable:

(a) Cathodic protection systems must be tested to determine system adequacy on an annual basis.

(b) Impressed current cathodic protection rectifiers must be inspected every two months.

(c) Where insulating devices are installed to provide electrical isolation of pipeline systems to facilitate the application of corrosion control, they must be properly rated for temperature, pressure and electrical properties, and must be resistant to the commodity carried in the pipeline system.

(d) Buried pipeline systems must be installed so that they are not in electrical contact with any metallic structures. This requirement must not preclude the use of electrical bonding to facilitate the application of cathodic protection.

(e) Tests must be carried out to determine the presence of stray currents. Where stray currents are present, measures must be taken to mitigate detrimental effects.

(7) Buried bare pipelines must be inspected in accordance with section 7 of API 570 dated June 1993. Pipeline thickness and corrosion rates must be determined at an interval of no more than half of the remaining life of the pipeline as determined from corrosion rates or every five years whichever is more frequent. Pipeline thickness and corrosion rate must be initially established within thirty-six months after the

adoption date of this section. The pipeline must be operated in accordance with American Society of Mechanical Engineers (ASME) supplement to ASME B31G-1991 entitled *Manual for Determining the Remaining Strength of Corroded Pipe* for transmission pipelines issued June 27, 1991, API 570 dated June 1993 or a standard approved by ecology.

(8) Whenever any buried pipe is exposed for any reason, the operator must provide a nondestructive examination of the pipe for evidence of external corrosion. If the operator finds that there is active corrosion, the extent of that corrosion must be determined and if necessary repaired.

(9) Each facility must maintain all pumps and valves that could affect waters of the state in the event of a failure. Transfer pipeline pumps and valves and storage tank valves must be inspected annually and maintained in accordance with the manufacturers' recommendations or an industrial standard approved by ecology to ensure that they are functioning properly. Valves must be locked when the facility is not attended. Necessary measures must be taken to ensure that valves are protected from inadvertent opening or vandalism if located outside the facility or at an unattended facility.

(10) A written record must be kept of all inspections and tests covered by this section.

(11) Facilities must have the capability of detecting a transfer pipeline leak equal to eight percent of the maximum design flow rate within fifteen minutes for transfer pipelines connected to tank vessels. Leak detection capability must be determined by the facility using best engineering judgment. Deficiencies with leak detection systems such as false alarms must be addressed and accounted for by the facility. Facilities may meet these requirements by:

(a) Visual inspection provided the entire pipeline is visible and inspected every fifteen minutes; or

(b) Instrumentation; or

(c) Completely containing the entire circumference of the pipeline provided that a leak can be detected within fifteen minutes; or

(d) Conducting an acceptable hydrotest of the pipeline immediately before the oil transfer with visual surveillance of the exposed pipeline every fifteen minutes; or

(e) A combination of the above strategies; or

(f) A method approved by ecology which meets the standard identified in this section; or

(g) Leak detection system operation and operator response must be described in the facility operations manual.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-340, filed 9/25/06, effective 10/26/06.]

PART D: OPERATIONS MANUAL REQUIREMENTS FOR CLASS 1 AND CLASS 2 FACILITIES

WAC 173-180-400 Applicability of Part D. (1) Part D applies to both Class 1 and Class 2 facilities. Ecology has not adopted operation manual requirements for Class 3 or 4 facilities.

(a) WAC 173-180-405 through 173-180-440 covers Class 1 facilities.

(b) WAC 173-180-445 through 173-180-475 covers Class 2 facilities.

(2) Class 1 and 2 facilities must prepare, submit, and implement an operations manual pursuant to the requirements in this chapter.

(3) All oil transfer operations must be conducted in accordance with the facilities operations manual. The owner or operator and PIC for Class 1 and 2 facilities transferring oil with a nonrecreational vessel must ensure that the receiving vessel's personnel comply with the facility operations manual.

(4) Class 1 and 2 facilities must maintain all equipment and perform operations in accordance with the operations manual.

(5) All operations manuals will be valid for no more than five years from the date on the approval letter. Ecology will review the facility operations manual to ensure compliance with this chapter.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-400, filed 9/25/06, effective 10/26/06.]

WAC 173-180-405 Class 1 facility—Operations manual. (1) Each facility must keep the operations manual in an immediately accessible location.

(2) Facilities must ensure that all employees involved in oil transfer operations, or storage operations, are familiar with the operations manual provisions through regular and new employee training.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-405, filed 9/25/06, effective 10/26/06.]

WAC 173-180-410 Class 1 facility—Operations manual preparation. (1) Each Class 1 facility must prepare an operations manual, which at a minimum, meets the requirements of this chapter.

(2) The operations manual must be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the manual holder's ability to meet the requirements of this chapter.

(3) The Class 1 facility may submit their Coast Guard operations manuals required under 33 CFR 154.300 to satisfy operations manual requirements under this chapter if:

(a) Ecology deems that such federal requirements equal or exceed those of ecology; or

(b) The Class 1 facility modifies or appends the operations manual to satisfy requirements under this chapter.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-410, filed 9/25/06, effective 10/26/06.]

WAC 173-180-415 Class 1 facility—Operations manual format requirements. Operations manuals must:

(1) Have a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures. Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 CFR 154 provided that a copy of the *Coast Guard Operations Manual* has been submitted to ecology;

(2) Allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire operations manual; and

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(3) Have a log sheet to record amendments to the operations manual. The log sheet must:

(a) Be placed at the front of the operations manual;

(b) Provide for a record of the section amended, the date the old section was replaced with the amended section, and the initials of the individual making the change;

(c) Include a description of the amendment; and

(d) Include a description of the amendment's purpose or filed in the form of an amendment letter immediately following the log sheet.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-415, filed 9/25/06, effective 10/26/06.]

WAC 173-180-420 Class 1 facility—Operations manual content requirements. (1) The operations manual must describe equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills.

(2) The operations manual submitted to ecology must contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party;

(b) Verifies acceptance of the operations manual by the owner or operator of the Class 1 facility by either signature of the owner or operator or signature by a person with the authority to bind the corporation which owns such facility;

(c) Commits execution of the operations manual by the owner or operator of the Class 1 facility, and verifies authority for the operations manual holder to make appropriate expenditures in order to execute operations manual provisions; and

(d) Includes the name, location, and address of the facility, type of facility, and starting date of operations of the facility covered by the operations manual.

(3) Operations manuals must address at a minimum the following topics for oil transfer operations to or from Class 1 facilities:

(a) General facility information including:

(i) The geographic location of the facility shown on a topographic map;

(ii) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(iii) A statement identifying facility operation hours;

(iv) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(v) Recordkeeping procedures and sample forms which are associated with the requirements in this chapter;

(vi) Overfill prevention procedures must be described for transfers to storage tanks and tank vessels in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10;

(vii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance, replacement criteria for transfer pipelines, pumps and valves;

(viii) A description of all oil types transferred to or from the facility including:

- (A) Generic and chemical name;
- (B) A description of the appearance of the oil;
- (C) The hazards involved in handling the oil; and
- (D) Instructions for safe handling of oil;
- (ix) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil;
- (x) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil;
- (xi) Instructions in the use of each communication system;
- (xii) Detailed procedures for:
 - (A) Operating each hose system and loading arm including the limitations of each loading arm;
 - (B) Transferring oil, including startup, topping off, and shutdown;
 - (C) Completion of pumping; and
 - (D) Quantity, type, location, and instructions for use of all transfer monitoring devices;
- (xiii) A discussion of the leak detection system and/or procedures implemented by the facility;
- (xiv) The location and facilities of each personnel shelter, if any; and
- (xv) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system.
- (b) Facility procedures for oil transfers to or from non-recreational vessels including, at a minimum:
 - (i) Discussion of the sizes, types, and number of vessels that the facility can transfer oil to or from, including simultaneous transfers;
 - (ii) Discussion of equipment and procedures required for all vessels which transfer oil to or from the facility;
 - (iii) Procedures for verifying that vessels meet facility requirements and operations manual procedures;
 - (iv) Discussion of the minimum number of persons or equipment required to perform transfer operations and their duties, including transfer watchmen;
 - (v) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;
 - (vi) If applicable, procedures for shielding portable lighting;
 - (vii) Description of the facility's requirements or actions taken regarding unexpected weather and sea conditions and the threshold values developed by the facility which may impact oil transfers to or from vessels. The supporting data for oil transfer weather and sea restrictions must be made available to ecology if requested and include at a minimum:
 - (A) Instrumentation or methodology for accurately measuring and recording this information in the facility's dock operations log book;
 - (B) Measuring current velocity, weather, and sea conditions before and during the oil transfer operation;
 - (C) Monitoring forecasted weather and sea;
 - (D) Procedures for communicating weather and sea conditions to the PICs at regular intervals;
 - (E) Threshold values for weather and sea conditions above which transfer operations must cease; and
 - (F) Procedures for communicating with the vessel and shutting down the oil transfer should weather or seas exceed threshold values.

(c) Safe and effective threshold determination. The threshold values which personnel will use to determine when a facility will not preboom under Part B of this chapter, must be in the operations manual and easily found by the PIC. The analysis, data, and supporting documents are not required to be in the operations manual but must be submitted separately in a report to ecology. See WAC 173-180-224.

(d) Facility emergency procedures, at a minimum:

(i) Procedures for reporting spills to the appropriate agencies and initial response actions taken in the event of an oil discharge;

(ii) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(iii) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(iv) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment; and

(v) Quantity, type, location, and instructions for use of fire extinguishing equipment.

(e) For facilities that transfer to or from transmission pipelines the operations manual must address, at a minimum, the following topics:

(i) The geographic location of the facility shown on a topographic map;

(ii) A physical description of the facility including a plan of the facility showing transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(iii) A statement identifying facility operation hours;

(iv) A description of all oil types transferred to or from the facility including:

(A) Generic and chemical name;

(B) The name of the oil;

(C) A description of the appearance of the oil;

(D) A description of the odor of the oil;

(E) The hazards involved in handling the oil; and

(F) Instructions for safe handling of oil;

(v) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil;

(vi) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil;

(vii) A discussion of the minimum number of persons required to perform transfer operations and their duties;

(viii) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(ix) The duties of the facility operator;

(x) A description of each communication system;

(xi) The location and facilities of each personnel shelter, if any;

(xii) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(xiii) Quantity, types, locations, and instructions for use of monitoring devices;

(xiv) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;

(xv) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(xvi) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;

(xvii) Detailed procedures for reporting and initial containment of oil discharges;

(xviii) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(xix) A description of the training and qualification program for persons in charge;

(xx) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns;

(xxi) Recordkeeping procedures and sample forms to be used;

(xxii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance replacement criteria for transfer pipelines, pumps and valves; and

(xxiii) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overfill prevention procedures. Overfill prevention procedures must be described for transfers to storage tanks and tank vessels.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-420, filed 9/25/06, effective 10/26/06.]

WAC 173-180-425 Class 1 facility—Operations manual submittal. (1) The owner or operator of an existing facility must submit the operations manual to ecology within one hundred twenty calendar days from the effective date of this chapter.

(a) Existing Class 1 facilities that have an ecology approved operations manual, on the date this chapter becomes effective, may submit only the new changes to the operations manual instead of resubmitting the entire operations manual.

(b) For Class 1 facilities that begin operations after the effective date of this chapter, the owner or operator must submit an operations manual to ecology at least one hundred twenty calendar days prior to conducting an oil transfer operation.

(2) One paper and one electronic copy of the operations manual and appendices must be delivered to:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Operations Manual
P.O. Box 47600
Olympia, WA 98504-7600

Or

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Operations Manual
300 Desmond Drive
Lacey, WA 98503

(3) The operations manual submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

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[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-425, filed 9/25/06, effective 10/26/06.]

WAC 173-180-430 Class 1 facility—Operations manual review and approval. (1) Upon receipt of an operations manual, ecology will determine whether the operations manual is complete. If ecology determines that an operations manual is incomplete, ecology must notify the facility of the deficiencies.

(2) When reviewing operations manuals ecology must consider the following:

(a) The ability of the operations manual to provide best achievable protection from damages caused by the discharge of oil into waters of the state;

(b) The volume and type of oil(s) addressed by the facility operations manual;

(c) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;

(d) Inspection reports;

(e) The presence of operating hazards;

(f) The sensitivity and value of natural resources within the geographic area covered by the operations manual; and

(g) Any pertinent local, state, federal agency, public comments received on the operations manual.

(3) Ecology must endeavor to notify the facility owner or operator within five working days after completing the review whether ecology approves the operations manual.

(4) If the operations manual receives approval, ecology must send the Class 1 facility owner or operator an approval letter describing the terms of approval, including an expiration date.

(5) Conditional approval:

(a) Ecology may approve an operations manual conditionally by requiring a facility owner or operator to operate with specific precautionary measures until acceptable components of the operations manual are resubmitted and approved by ecology.

(b) Precautionary measures may include, but are not limited to:

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting operations to daylight hours; or

(iv) Additional requirements to ensure availability to response equipment.

(6) After receiving notification of conditional status from ecology, a Class 1 facility must submit and implement required changes to ecology within thirty calendar days. Ecology may issue an extension at ecology's discretion. Operations manual holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.

(7) If the operations manual approval is denied, ecology must send an explanation of the factors for disapproval and a list of deficiencies to the Class 1 facility owner or operator.

(a) The owner or operator of the facility must resubmit the operations manual within ninety calendar days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications.

(b) The facility must not continue oil storage, transfer, production, or other operations until ecology approves an operations manual for that facility.

(8) Approval of a manual by ecology does not constitute an express assurance regarding the adequacy of the operations manual nor constitute a defense to liability imposed under state law.

(9) A facility may conduct operations if the facility properly submitted an operations manual to ecology and ecology has not provided the facility with a formal response.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-430, filed 9/25/06, effective 10/26/06.]

WAC 173-180-435 Class 1 facility—Operations manual updates. (1) The owner or operator must notify ecology in writing prior to any significant changes to the operations manual that could affect implementation of the operations manual.

(2) A significant change includes, but is not limited to:

(a) A change in the owner or operator of the facility;

(b) A change in the types of oil handled at the facility;

(c) A substantial change in the facility's oil-handling capacity;

(d) Noncompliance with the federal Oil Pollution Act of 1990;

(e) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility technology, operations, or personnel procedures based on requirements of amended or new rules adopted by ecology; and

(f) Any other changes that would require modification of the operations manual.

(3) If a significant change will reduce the facility's ability to implement the operations manual, the operations manual holder must also provide a schedule for the return of the operations manual to full implementation capability.

(4) The facility may submit a facsimile to provide written notice for the purposes of this section.

(5) If ecology finds, because of the significant change, the operations manual no longer meets approval criteria, ecology may, at its discretion, place conditions on approval, or revoke approval. Ecology may also require the operations manual holder to amend its operations manual to incorporate the change.

(6) Within thirty calendar days of making a significant change to the operations manual, the facility owner or operator must distribute the amended page(s) of the operations manual to ecology and other operations manual holders.

(7) Ecology may review an operations manual and require changes following any spill, inspection, or drill for which the operations manual holder is responsible.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-435, filed 9/25/06, effective 10/26/06.]

WAC 173-180-440 Class 1 facility—Submitting the operations manual for reapproval. (1) Ecology must review facility manuals every five years.

(2) The Class 1 facility must submit the operations manuals for reapproval unless the operations manual holder submits a letter requesting that ecology review the operations manual already in ecology's possession.

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(3) The operations manual holder must submit the operations manual or such letter at least one hundred eighty calendar days in advance of the operations manual expiration date.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-440, filed 9/25/06, effective 10/26/06.]

WAC 173-180-445 Class 2 facility—Operations manual. (1) Each facility must keep the operations manual immediately accessible at the transfer location.

(2) Facilities must ensure that all employees involved in oil transfer operations are familiar with the operations manual provisions through regular and new employee training.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-445, filed 9/25/06, effective 10/26/06.]

WAC 173-180-450 Class 2 facility—Operations manual preparation. (1) Each Class 2 facility must prepare an operations manual that meets the requirements of this chapter.

(2) The Class 2 facility may submit their Coast Guard operations manuals required under 33 CFR 154.300 to satisfy operations manual requirements under this chapter if:

(a) Ecology deems that such federal requirements equal or exceed those of ecology; or

(b) The Class 2 facility modifies or appends the operations manual to satisfy operations manual requirements under this chapter.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-450, filed 9/25/06, effective 10/26/06.]

WAC 173-180-455 Class 2 facility—Operations manual format requirements. Operations manuals must:

(1) Have a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures;

Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 CFR 156 provided that a copy of the *Coast Guard Operations Manual* has been submitted to ecology.

(2) Allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire operations manual; and

(3) Have a log sheet to record amendments to the operations manual. The log sheet must:

(a) Be placed at the front of the operations manual;

(b) Provide for a record of the section amended, the date that the old section was replaced with the amended section, and the initials of the individual making the change;

(c) Include a description of the amendment; and

(d) Include a description of the amendment's purpose or filed in the form of an amendment letter immediately following the log sheet.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-455, filed 9/25/06, effective 10/26/06.]

WAC 173-180-460 Class 2 facility—Operations manual content requirements. (1) The operations manual must describe equipment and procedures involving the transfer,

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storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills.

(2) Operations manuals must address at a minimum the following topics for oil transfer operations from Class 2 facilities:

(a) Each operations manual submitted to ecology must contain a submittal agreement which:

(i) Includes the name, address, and phone number of the submitting party;

(ii) Verifies acceptance of the operations manual by the owner or operator of the Class 2 facility by either signature of the owner or operator or signature by a person with the authority to bind the corporation which owns such facility;

(iii) Commits execution of the operations manual by the owner or operator of the Class 2 facility, and verifies authority for the operations manual holder to make appropriate expenditures in order to execute operations manual provisions; and

(iv) Includes the name and location for the base of operations for the mobile fleet, and the name and location of the maintenance yard for rolling stock, and the starting date of operations.

(b) General information related to the facility including:

(i) A brief summary of applicable federal, state, and local oil or hazardous material pollution laws and regulations;

(ii) A physical description of the fleet of mobile vehicles or rolling stock including capabilities;

(iii) Instructions in the use of each communication system;

(iv) A description and instructions for the use of drip and release containment for all hose connections;

(v) The maximum allowable working pressure (MAWP) of each hose assembly required to be tested by 33 CFR 156.170 of this chapter, including the maximum relief valve setting (or maximum system pressure when relief valves are not provided) for each transfer system, if any;

(vi) Recordkeeping procedures and sample oil transfer forms which are associated with the requirements in this chapter;

(vii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance, replacement criteria for hose assemblies, pumps and valves; and

(viii) Written procedures to describe vessel overfill prevention procedures in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10.

(c) Facility procedures for oil transfers to or from non-recreational vessels including:

(i) Detailed procedures for transferring oil which will include, at a minimum:

(A) Number of truck/trailer combinations needed;

(B) Transferring oil, including startup, topping off, and shutdown; and

(C) Shift-change procedures;

(ii) A discussion of equipment and procedures required for all vessels which receive oil from the Class 2 facility and procedures for verifying that vessels meet Class 2 facility requirements and operations manual procedures;

(iii) A discussion regarding the time/condition constraints for deliveries;

(iv) Providing a copy of the MSDS for each type of oil transferred. The MSDS must be in the driver's possession or available at the transfer;

(v) A discussion of the minimum number of persons or equipment required to perform transfer operations and their duties;

(vi) Quantity, types, locations, and instructions for use of monitoring devices;

(vii) If applicable, procedures for shielding portable lighting;

(viii) Procedures for detecting leaks during oil transfer operations; and

(ix) Discussion of the facility's requirements regarding weather and sea conditions at the facility which may impact oil transfers to or from vessels including, at a minimum:

(A) Monitoring current weather and sea conditions;

(B) Monitoring forecasted weather and sea;

(C) Procedures for communicating weather and sea conditions to the PICs at regular intervals;

(D) Threshold values for weather and sea conditions above which transfer operations must cease; and

(E) Procedures for shutting down the oil transfer should weather or seas exceed threshold values.

(d) Class 2 facility emergency information, must include at a minimum:

(i) Procedures for reporting and initial containment of oil discharges;

(ii) The name and telephone number of the driver's supervisor or dispatcher and telephone number of the Coast Guard, state, local, and other personnel who may be called by the employees of the Class 2 facility in an emergency;

(iii) Emergency plans and procedures including a description of and location of each emergency shutdown system;

(iv) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(v) Means of protecting nearby surface water from impact of discharge of oil, i.e., permanent or temporary drainage structures or devices to protect water at delivery site.

(e) If a Class 2 facility conducts Rate A transfers, then the operations manual must include the safe and effective threshold values as identified in the safe and effective threshold determination report. These values must be for each location where a Rate A transfer occurs. See WAC 173-180-224 for requirements for this report.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-460, filed 9/25/06, effective 10/26/06.]

WAC 173-180-465 Class 2 facility—Operations manual submittal. (1) All existing Class 2 facilities must submit an operations manual to ecology within one hundred twenty calendar days after the effective date of this chapter.

(2) All Class 2 facilities that begin oil transfer operations after the effective date of this chapter must submit an operations manual to ecology at least ninety calendar days prior to the beginning of oil transfer operations.

(3) One paper and one electronic copy of the operations manual and appendices must be delivered to:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Operations Manual
P.O. Box 47600
Olympia, WA 98504-7600

Or

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Operations Manual
300 Desmond Drive
Lacey, WA 98503

(4) The operations manual submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-465, filed 9/25/06, effective 10/26/06.]

WAC 173-180-470 Class 2 facility—Operations manual review and approval. (1) Upon receipt of an operations manual, ecology will determine whether the operations manual is complete. If ecology determines that an operations manual is incomplete, ecology must notify the Class 2 facility of the deficiencies.

(2) When reviewing operations manuals for approval ecology must consider the following criteria:

(a) The ability of the operations manual to provide best achievable protection from damages caused by the discharge of oil into waters of the state;

(b) The volume and type of oil(s);

(c) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;

(d) Inspection reports;

(e) The presence of operating hazards; and

(f) The sensitivity and value of natural resources within the geographic area covered by the operations manual.

(3) Ecology must endeavor to notify the facility owner or operator within five working days after completing the review whether or not ecology approves the operations manual.

(4) If the operations manual receives approval, ecology must send the Class 2 facility owner or operator an approval letter describing the terms of approval, including an expiration date.

(5) Conditional approval:

(a) Ecology may approve an operations manual conditionally by requiring a facility owner or operator to operate with specific precautionary measures until acceptable components of the operations manual are resubmitted and approved.

(b) Precautionary measures may include, but are not limited to:

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting oil transfer operations to daylight hours;

or

(iv) Additional requirements to ensure availability to response equipment.

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(6) After receiving notification of conditional status from ecology, a Class 2 facility must submit and implement required changes to ecology within thirty calendar days. Ecology may issue an extension at ecology's discretion. Operations manual holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.

(7) If operations manual approval is denied, ecology must send the facility owner or operator an explanation of the factors for disapproval and a list of deficiencies.

(a) The owner or operator of the facility must resubmit the operations manual within ninety calendar days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications.

(b) The facility must not continue oil transfer or other operations until an operations manual for that facility has been approved.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-470, filed 9/25/06, effective 10/26/06.]

WAC 173-180-475 Class 2 facility—Operations manual updates. (1) The owner or operator must notify ecology in writing prior to any significant changes to the operations manual that could affect implementation of the operations manual.

(2) A significant change includes, but is not limited to:

(a) A change in the owner or operator of the facility;

(b) A change in the types of oil handled at the facility;

(c) A substantial change in the facility's oil-handling capacity;

(d) Noncompliance with the federal Oil Pollution Act of 1990;

(e) A substantial change in equipment in use by the facility, or other substantial changes to facility technology, operations, or personnel procedures based on requirements of amended or new rules adopted by ecology; and

(f) Any other changes that would require that the operations manual be modified.

(3) If the significant change will reduce the facility's ability to implement the operations manual, the operations manual holder must also provide a schedule for the return of the operations manual to full implementation capability.

(4) The facility may submit a facsimile to provide written notice for the purposes of this section.

(5) If ecology finds, as a result of the significant change, the operations manual no longer meets approval criteria, ecology may, at its discretion, place conditions on approval, or revoke approval. Ecology may also require the operations manual holder to amend its operations manual to incorporate the change.

(6) Within thirty calendar days of making a change to the operations manual, the facility owner or operator must distribute the amended page(s) of the operations manual to ecology and other operations manual holders.

(7) Ecology must review operations manuals every five years.

(a) Operations manuals must be submitted for reapproval unless the operations manual holder submits a letter requesting that ecology review the operations manual already in ecology's possession.

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(b) The operations manual holder must submit the operations manual or such letter at least one hundred eighty calendar days in advance of the operations manual expiration date.

(8) Ecology may review an operations manual and require changes following any spill, inspection, or drill for which the operations manual holder is responsible.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-475, filed 9/25/06, effective 10/26/06.]

PART E: TRAINING AND CERTIFICATION FOR CLASS 1 AND CLASS 2 FACILITIES

WAC 173-180-500 Applicability of Part E. (1) Part E applies to Class 1 and 2 facilities. All Class 1 and Class 2 facilities must have training and certification programs that are developed, approved, and implemented, pursuant to requirements in this chapter.

Class 1 and 2 facilities training and certification program will be valid for no more than five years from the date on the approval letter. Ecology will review Class 1 and 2 facilities training and certification program to ensure compliance with this chapter.

(2) Class 3 facilities must meet the training requirements in 33 CFR 154.

(3) Class 4 facilities must meet the training requirements in WAC 173-180-210(2).

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-500, filed 9/25/06, effective 10/26/06.]

WAC 173-180-510 Class 1 facility—Training requirements. (1) Each Class 1 facility must develop and implement oil transfer training for key supervisory, operations, maintenance, management, and indirect operations personnel identified pursuant to subsection (3) of this section.

(a) The Class 1 facility must design a training program, to the maximum extent practicable, to promote job competency and environmental awareness for the purpose of preventing oil spills.

(b) Non-English speaking personnel subject to the facility's training requirements must be trained in a manner that allows comprehension by such personnel.

(2) Oil transfer training programs must be approved by ecology under WAC 173-180-525.

(3) The Class 1 facility must identify, in writing, the specific position titles which the facility has identified to be subject to its oil transfer training requirements. In making this determination, the facility must evaluate the functions of facility personnel positions using the following definitions:

(a) "Key" means a position with direct responsibility for performing or overseeing the transfer, storage, handling, or monitoring of oil at a facility, or a job function where typical human factors present the probability of a spill occurring.

(b) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes but is not limited to the person-in-charge, storage tank operators, pipeline operators, and oil transfer monitors.

(c) "Supervisory" means involvement in directly supervising the transfer, storage, handling, or monitoring of oil at a

facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

(d) "Maintenance" means direct involvement in maintaining and repairing the equipment used for the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state.

(e) "Indirect operations" means involvement in on-site activities, such as new construction, in a capacity that indirectly involves the risk of an oil spill to waters of the state due to potential impacts to nearby oil-handling operations (e.g., operating digging equipment next to an active transfer pipeline). For cases where certain job titles associated with indirect operations can not be identified in advance, the facility must identify the types of job orders or work sites which may involve the need for indirect operations oil transfer training.

(4) The facility must identify, in writing, the specific initial classroom and/or on-the-job oil transfer training requirements for each position, including minimum hours that are appropriate for each position given the facility's training needs and human factor risks.

For the purposes of this section, "human factors" means human conditions, such as inadequate knowledge or fatigue, which can lead to incompetency or poor judgment, and "human factor risks" means risks of causing an oil spill due to the effects of human factors on competency and judgment.

(5) Operations and supervisory personnel training: Requirements for training of operations and supervisory personnel must focus on building personnel competency in operating procedures and spill prevention systems specific to the facility. Oil transfer training requirements must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Operating procedures and checklists specific to trainee's job function;

(c) Problem assessment, including recognition of human factor risks and how they can be minimized;

(d) Awareness of preventative maintenance procedures;

(e) Awareness of local environmental sensitivity and oil spill impacts;

(f) Major components of facility's oil spill prevention plan;

(g) Major components of facility's operations manual;

(h) Major components of facility's oil spill contingency plan;

(i) Safe use and handling of response equipment including, but not limited to, containment, personal protection, and recovery equipment;

(j) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(k) Routine and emergency communications procedures;

(l) Overview of applicable oil spill prevention and response laws and regulations; and

(m) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

(6) Management personnel training: Requirements for initial oil transfer training of management personnel must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Management role in operations and oil spill prevention;

(c) Recognition of human factor risks and how they can be minimized;

(d) Awareness of local environmental sensitivity and oil spill impacts;

(e) Major components of facility's oil spill prevention plan;

(f) Major components of facility's operations manual;

(g) Major components of facility's oil spill contingency plan;

(h) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(i) Overview of applicable oil spill prevention and response laws and regulations; and

(j) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

(7) Maintenance personnel training: Requirements for initial oil transfer training of maintenance personnel must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at applicable maintenance work sites within the facility;

(b) Equipment problem assessment and preventative maintenance procedures;

(c) Awareness of local environmental sensitivity and oil spill impacts;

(d) Major components of facility's oil spill prevention plan;

(e) Major components of facility's operations manual;

(f) Major components of facility's oil spill contingency plan;

(g) Emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(h) Overview of applicable oil spill prevention and response laws and regulations; and

(i) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

(8) Indirect operations personnel training: Requirements for initial oil transfer training of indirect operations personnel must incorporate the following training topics at a minimum:

(a) Overview of oil handling, transfer, storage, and monitoring/leak detection operations at specific indirect operations work site within the facility;

(b) Awareness of local environmental sensitivity and oil spill impacts;

(c) Notification procedures for emergency spill prevention actions; and

(d) For facility employees, drug and alcohol use awareness, pursuant to WAC 173-180-630.

(9) Training topics identified in subsections (5) through (8) of this section, do not prescribe fixed subject titles for class outlines or training organization. Facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the applicable personnel training program.

(10) The facility must identify, in writing, the specific oil spill prevention continuing education requirements for each affected position, including minimum hours, which are appropriate given the facility's training needs and human fac-

tor risks. Ongoing training must occur at least annually, and at a minimum address:

(a) Any changes in the core topics identified in subsections (5) through (8) of this section, unless affected personnel have already been informed about the change after its occurrence;

(b) Refresher awareness training on environmental sensitivity and oil spill impacts;

(c) Review and analysis of oil spills which have occurred during the past year;

(d) Refresher training on emergency spill prevention procedures; and

(e) For key supervisory, operations, and management personnel, a practice exercise of the facility's procedures for preventing a spill during a particular abnormal operations event.

(11) Facilities are encouraged to apply or modify existing training programs required under federal Process Safety Management requirements (29 CFR 1910), Coast Guard person-in-charge requirements (33 CFR 154.710), and other federal/state training requirements in order to meet the above oil transfer training requirements.

(12) Existing personnel that have entered their current position prior to adoption of this chapter can be regarded as having met the facility's initial oil transfer training requirements if:

(a) The facility has documented that those personnel have received the required training in the past; or

(b) The facility attests in writing and in detail, how those personnel have had on-the-job training or other experience equivalent to the facility's initial training requirements including type and frequency of past training when known.

(13) Facilities must develop follow up remedial training for personnel clearly responsible for causing an oil spill while functioning in their position, unless such personnel no longer occupy a position identified under subsection (3) of this section.

(14) Contractors hired by the facility to perform key supervisory, operations, maintenance, management, or indirect operations functions, as identified by the facility under subsection (3) of this section, are considered "personnel" for the purposes of this chapter, and must be subject to the same oil transfer training requirements as facility employees. The facility is responsible to validate that such contractors have met the facility's oil transfer training requirements before they perform a key supervisory, operations, maintenance, management, or indirect operations function.

(15) Facilities must develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

(16) Facilities must develop and maintain written oil transfer training materials, such as training manuals or checklists.

(17) Oil transfer training must be documented, and records must be kept at the facility in a central and accessible location for at least five years from the date of training completion.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-510, filed 9/25/06, effective 10/26/06.]

WAC 173-180-515 Class 1 facility—Certification program. (1) Each Class 1 facility must develop and implement a program to certify that key supervisory and operations personnel identified pursuant to WAC 173-180-510 have met the facility's oil transfer training program requirements, and are competent to perform the operations or supervisory functions associated with their position. The facility is not required to certify personnel other than key supervisory and operations personnel. The certification program must be designed, to the maximum extent practicable, to ensure job competency and environmental awareness for the purpose of preventing oil spills.

(2) Certification programs must meet minimum criteria pursuant to WAC 173-180-520.

(3) Certification programs must be approved by ecology pursuant to WAC 173-180-525.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-515, filed 9/25/06, effective 10/26/06.]

WAC 173-180-520 Class 1 facility—Minimum criteria for certification programs. (1) The Class 1 facility oil spill prevention certification program must address all key supervisory and operations personnel identified pursuant to WAC 173-180-510.

(2) The Class 1 facility must develop and maintain written certification procedures, including:

(a) Minimum competency requirements to achieve certification;

(b) The process to develop and test competency in key supervisory and operations personnel;

(c) The process to issue and track certificates; and

(d) Policies regarding loss or lack of certified status.

(3) The Class 1 facility must maintain a written certificate or other record for supervisory and operations personnel which have met the facility's certification requirements. This record must document:

(a) The certified individual's name and position;

(b) Types and hours of training completed;

(c) Name of trainer;

(d) Results of performance tests and evaluations; and

(e) Signatures of the trainee and trainer.

(4) The Class 1 facility must keep copies of certification records at the facility in a central and accessible location for at least five years from the date of certification.

(5) The Class 1 facility certification program must incorporate methods to evaluate and confirm job competency, including:

(a) A written examination, or oral examination documented in writing, which tests general knowledge about training topics identified under WAC 173-180-510, with an appropriate passing score established by the facility;

(b) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:

(i) Observation of performance of each oil handling, transfer, storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and

(ii) Practice exercises involving procedures to prevent a spill during abnormal operations events.

(6) The Class 1 facility's program must only provide for certification of an individual who has:

(a) Met the facility's oil spill prevention initial training requirements tied to the individual's position, as developed pursuant to WAC 173-180-510; and

(b) Passed a competency evaluation developed under subsection (5) of this section.

(7) Recertification of personnel must occur at least once every three years, based on:

(a) Successful completion of continuing education requirements; and

(b) Satisfactory performance in a reevaluation of competency as developed under subsection (5) of this section.

(8) All certified personnel must carry a proof of certification during oil transfer operations.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-520, filed 9/25/06, effective 10/26/06.]

WAC 173-180-525 Class 1 facility—Training and certification program approval. (1) Existing Class 1 facilities:

(a) Must modify their training and certification program to meet requirements in this chapter and must implement the program within ninety calendar days from the approved date of the operations manual.

(b) Must train and certify all personnel under the facility's modified training and certification program within ninety calendar days of the approved date of the operations manual.

(2) Class 1 facilities that begin operations after the effective date of this chapter:

(a) Must develop or modify their training and certification program to meet the requirements of this chapter and must implement the program within one hundred twenty calendar days prior to oil transfer operations.

(b) Must train and certify all personnel under the facility's training and certification program before any oil transfer operation occurs at the facility.

(3) All new facility employees with oil transfer duties must be trained and certified within ninety calendar days from the date of hire.

(4) Ecology must review the Class 1 facility's training and certification program after the date that facilities must meet rule criteria pursuant to subsection (1) or (2) of this section. This review must be accomplished by a general on-site inspection by ecology through evaluation of the Class 1 facility's training materials, testing records and certification records, and consultation with personnel.

(5) Ecology will notify Class 1 facilities regarding approval status within thirty calendar days from completing inspections performed under subsection (4) of this section.

(6) Class 1 facilities that do not receive approval will have ninety calendar days to address deficiencies in their training and certification program, with options for a time extension based on ecology's discretion. For those personnel that were trained or certified after the deadlines established in subsection (1) of this section but prior to program approval, retraining or recertification of such personnel due to changes required by ecology's approval process can be postponed until the next retraining or recertification cycle as established by the facility pursuant to this chapter.

(7) Training and certification program approval is valid for five years. Significant changes to the Class 1 facility's

program must be documented through an update of the facility's prevention plan pursuant to chapter 173-180 WAC Part F requirements. Minor upgrades in training and certification programs, such as expansion of training hours or updates to testing materials, are not required to be submitted to ecology through a prevention plan update.

(8) Ecology may perform announced and unannounced inspections at facilities to verify compliance.

(9) A training and certification program must be approved if, in addition to meeting criteria in this section and WAC 173-180-520, the Class 1 facility demonstrates that when implemented, the facility can, to the maximum extent practicable:

(a) Provide protection from human factor oil spill risks identified in the risk analysis required by WAC 173-180-630;

(b) Minimize the likelihood that facility oil spills will occur and minimize the size and impacts of those facility oil spills which do occur;

(c) Provide effective oil transfer training to key supervisory, operations, maintenance, management, and indirect operations personnel;

(d) Ensure proper evaluation of job competency; and

(e) Provide an effective system to clearly document and track personnel training and certification.

(10) When reviewing programs, ecology must, in addition to the above criteria, consider the following at a minimum:

(a) The volume and type of oil(s) handled by the facility, and frequency of oil-handling operations;

(b) Number of facility personnel;

(c) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(d) Inspection reports;

(e) The presence of hazards unique to the facility, such as seismic activity or production processes; and

(f) The sensitivity and value of natural resources that could be affected by a spill from the facility.

(11) Ecology may approve a program with an expedited review as set out in this section if that program has been approved by a federal agency or other state which ecology has deemed to apply approval criteria which equal or exceed those of ecology.

(12) If the program receives approval, the facility owner or operator must receive a certificate of approval describing the terms of approval, including expiration dates pursuant to subsection (6) of this section.

(a) Ecology may conditionally approve a program by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the program are resubmitted and approved.

(b) Precautionary measures may include, but are not limited to:

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting operations to daylight hours or favorable weather conditions; or

(iv) Additional requirements to ensure availability of response equipment.

(c) A facility must have thirty calendar days after ecology gives notification of conditional status to make the

required changes, with the option for an extension at ecology's discretion. Facilities which fail to meet conditional requirements or make required changes in the time allowed must lose conditional approval status.

(i) If approval is denied or revoked, the facility owner or operator must receive an explanation of the factors for disapproval and a list of deficiencies. The facility may be subject to penalties identified in chapter 90.56 RCW.

(ii) Ecology's decisions under this chapter are reviewable in superior court.

(iii) Approval of a training and certification program by ecology does not constitute an express assurance regarding the adequacy of the program nor constitute a defense to liability imposed under state law.

(13) Ecology may review a program following any spill, inspection, or drill at the facility.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-525, filed 9/25/06, effective 10/26/06.]

WAC 173-180-530 Class 2 facility—Oil transfer training requirements. (1) Each Class 2 facility must develop and implement oil transfer training for key supervisory and operations personnel identified pursuant to subsection (6) of this section.

(2) Class 2 facilities must design training, to the maximum extent practicable, to provide job competency for oil transfer operations.

(3) Class 2 facilities must train non-English speaking personnel subject to the facility's training requirements in a manner that allows comprehension by such personnel.

(4) Ecology must approve oil transfer training programs for Class 2 facilities pursuant to WAC 173-180-545.

(5) Class 2 facilities must develop and maintain written training materials, such as training manuals or checklists.

(6) The Class 2 facility must identify, in writing, the specific position titles at the facility which are subject to the facility's oil transfer training requirements. In making this determination, the facility must evaluate the functions of facility personnel positions using the following definitions:

(a) "Key" means a position with direct responsibility for performing or overseeing the transfer, storage, handling, or monitoring of oil at a facility, or a job function where typical human factors present the probability of a spill occurring.

(b) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes but is not limited to the person-in-charge, truck drivers and operators, and oil transfer monitors.

(c) "Supervisory" means involvement in directly supervising personnel engaged in the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

(7) The Class 2 facility must identify, in writing, the specific initial classroom and/or on-the-job oil transfer training requirements for each position, including minimum hours, which are appropriate for each position given the facility's training needs and human factor risks as defined in WAC 173-180-510(4).

(8) Key supervisory and operations personnel training: Training of key supervisory and operations personnel must focus on building personnel competency in operating procedures specific to the facility. Training requirements must at a minimum incorporate the following training topics:

- (a) Overview of all oil handling, transfer, and monitoring operations at the facility;
- (b) Operating procedures and checklists specific to trainee's job function;
- (c) Preventative maintenance procedures;
- (d) Awareness of oil spill impacts;
- (e) Major components of facility's operations manual;
- (f) Major components of the facility's response plan;
- (g) Safe use and handling of response equipment including, but not limited to, containment, personal protection, and recovery equipment;
- (h) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;
- (i) Routine and emergency communications procedures;
- (j) Overview of applicable oil spill response laws and regulations; and
- (k) Drug and alcohol use awareness.

(9) Training topics identified in this section, do not prescribe fixed subject titles for class outlines or training organization. Class 2 facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the oil transfer training program.

(10) Key supervisory and operations personnel must also attend a certified twenty-four-hour HAZWOPER training session.

(11) Continuing education training: The Class 2 facility must have continuing education requirements for key supervisory and operations personnel. Ongoing training must occur at least annually, and at a minimum address:

- (a) Review and analyze oil spills for causal factors which have occurred during the past year including lessons learned;
- (b) Refresher eight-hour HAZWOPER training session;
- (c) Refresher training on emergency spill prevention procedures; and
- (d) Refresher training on spill cleanup and recovery operations.

(12) Existing personnel that have entered their current position prior to adoption of this chapter can be regarded as having met the facility's oil transfer training requirements if:

- (a) The facility has documented that those personnel have received the required training in the past; or
- (b) The facility provides documentation demonstrating how those personnel meet the requirements of this section.

(13) Class 2 facilities must provide follow-up training after any spill to all key supervisory and operations personnel. The training must address the causes of the spill and must be incorporated into the continuing education training program.

(14) Contractors hired by the facility to perform key supervisory and operations functions, as identified by the facility under subsection (6) of this section, are considered "personnel" for the purposes of this chapter, and must be subject to the same oil transfer training requirements as facility employees. The facility is responsible to validate contractors have met the facility's oil transfer training requirements

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before they perform a key supervisory and operations functions.

(15) Class 2 facilities must develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

(16) Facilities must develop and maintain written oil transfer training materials, such as training manuals or checklists.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-530, filed 9/25/06, effective 10/26/06.]

WAC 173-180-535 Class 2 facility—Certification program. (1) Each Class 2 facility must develop and implement a certification program to certify key supervisory and operations personnel identified pursuant to WAC 173-180-530 to ensure they are competent to perform oil transfer duties.

(2) The certification program must be designed, to the maximum extent practicable, to ensure job competency for oil transfer operations.

(3) Certification programs must be approved by ecology pursuant to WAC 173-180-545.

(4) Certification programs must contain the minimum requirements in WAC 173-180-550.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-535, filed 9/25/06, effective 10/26/06.]

WAC 173-180-540 Class 2 facility—Certification of personnel. (1) A Class 2 facility can only certify personnel under this program who:

- (a) Are in key supervisory or operations positions at the facility;
- (b) Have met the facility's oil transfer training requirements tied to the individual's position, (WAC 173-180-530); and
- (c) Have passed a competency evaluation (WAC 173-180-550).

(2) All new facility employees with oil transfer duties must be trained and certified within ninety days from date of hire.

(3) Recertification. Recertification of personnel must occur at least once every three years. To be recertified personnel must:

- (a) Successfully complete the facility's continuing education requirements; and
- (b) Repass the facility's competency evaluation (WAC 173-180-550).

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-540, filed 9/25/06, effective 10/26/06.]

WAC 173-180-545 Class 2 facility—Program approval. (1) Ecology must approve all training and certification programs.

(2) Class 2 facilities operating on the effective date of this chapter:

- (a) Must develop or modify their training and certification program to meet the requirements in this chapter and

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implement the program within ninety calendar days of the approved date of the operations manual.

(b) Must train and certify all key supervisory and operations personnel under the facility's training and certification program within ninety calendar days from the approved date of the operations manual.

(3) Class 2 facilities that begin conducting oil transfer operations after the effective date of this chapter:

(a) Must develop and implement their training and certification program within ninety calendar days prior to the first oil transfer operation.

(b) Must train and certify all key supervisory and operations personnel within ninety calendar days prior to the first oil transfer operation.

(4) To receive approval ecology will conduct an on-site evaluation of the facility's training materials, testing and certification records, and consult with personnel.

(5) Ecology will notify Class 2 facilities regarding approval status within thirty calendar days from completing the evaluation under subsection (4) of this section.

(6) Class 2 facilities that do not receive approval will have ninety calendar days to address deficiencies in their training and certification program. Ecology may grant an extension at ecology's discretion.

(7) For those personnel trained or certified after the deadlines established in subsections (2) and (3) of this section but before ecology approval, retraining or recertification can be postponed until the next retraining or recertification cycle as established by the facility.

(8) Training and certification program approval is valid for five years.

The facility must document changes to the facility's program and make the documentation available to ecology upon request.

(9) Ecology may perform announced and unannounced inspections at facilities to verify compliance.

(10) When evaluating programs for Class 2 facilities, ecology must consider the following at a minimum:

(a) The requirements in WAC 173-180-530 and 173-180-550;

(b) The volume and type of oil(s) handled by the facility, and frequency of oil-handling operations;

(c) Number of facility personnel;

(d) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators; and

(e) Inspection reports.

(11) If approved, ecology will send a certificate of approval to the Class 2 facility. The certificate will include the terms of approval, including expiration dates pursuant to subsection (6) of this section.

(12) Ecology may conditionally approve a training and certification program by requiring a Class 2 facility owner or operator to operate with specific precautionary measures until unacceptable components of the program are resubmitted and approved.

(13) A Class 2 facility must have thirty calendar days after ecology gives notification of conditional status to make the required changes, with the option for an extension at ecology's discretion. Facilities which fail to meet conditional

requirements or make required changes in the time allowed must lose conditional approval status.

(14) If approval is denied or revoked, ecology must send the Class 2 facility owner or operator an explanation of the factors for disapproval and a list of deficiencies. The facility may be subject to penalties identified in chapter 90.56 RCW.

(15) Approval of a training and certification program by ecology does not constitute an express assurance regarding the adequacy of the program nor constitute a defense to liability imposed under state law.

(16) Ecology may review the facility's training and certification program following any spill, inspection, or drill at the Class 2 facility.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-545, filed 9/25/06, effective 10/26/06.]

WAC 173-180-550 Class 2 facility—Minimum requirements for a certification program. The Class 2 facility certification program must have, at a minimum the following contents:

(1) Documentation of a training program developed to meet the requirements in this chapter.

(2) Written certification procedures, including:

(a) Minimum competency requirements to achieve certification;

(b) The process to evaluate and confirm job competency for key supervisory and operations personnel that must incorporate methods to evaluate and confirm job competency, including:

(i) Written examinations, or oral examinations documented in writing, which test general knowledge about training topics identified under WAC 173-180-530, with an appropriate passing score established by the facility;

(ii) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:

(A) Observation of performance of each oil-handling, transfer, storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and

(B) Practice exercises involving procedures to prevent a spill during abnormal operations events;

(c) The Class 2 facility must maintain written records for key supervisory and operations personnel, which have met the facility's certification requirements. These records must document:

(i) The certified individual's name and position;

(ii) Types and hours of training completed;

(iii) Name of training course and signature of the trainer upon completion of the course;

(iv) Results of performance tests and evaluations; and

(v) Copy of certificate demonstrating the individual is certified;

(d) The process to issue and track certificates confirming certification;

(e) All certified personnel must carry proof of certification during oil transfer operations;

(f) Company policies regarding how the facility will manage key supervisory or operations personnel who lose or lack certification.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-550, filed 9/25/06, effective 10/26/06.]

PART F: PREVENTION PLANS FOR CLASS 1 FACILITIES

WAC 173-180-600 Applicability of Part F. Part F only applies to Class 1 Facilities. Ecology has not adopted prevention plan requirements for Class 2, 3, or 4 facilities.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-600, filed 9/25/06, effective 10/26/06.]

WAC 173-180-610 Plan preparation. (1) Each onshore and offshore facility must prepare a plan for prevention of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural resources, and public or private property from oil spills.

(2) Plans must be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(3) Spill prevention countermeasure and control plans, operation manuals, and other prevention documents which meet federal requirements under 33 CFR 154, 33 CFR 156, 40 CFR 109, 40 CFR 112, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if ecology deems that such federal requirements equal or exceed those of ecology, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(4) Plans which meet requirements of other states may be submitted to satisfy plan requirements under this chapter if ecology deems that such state requirements equal or exceed those of ecology, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(5) Prevention plans may be combined with contingency plans required by chapter 173-182 WAC.

(6) Plans, when implemented, must be designed to be capable of providing the best achievable protection from damages caused by the discharge of oil into the waters of the state. At a minimum, plans must meet the criteria specified in this chapter.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-610, filed 9/25/06, effective 10/26/06.]

WAC 173-180-620 Plan format requirements. (1) Plans must be organized in a format which provides easy access to prevention information. Plans must be divided into a system of chapters and sections. Chapters and sections must be numbered and identified with a system of index tabs.

(2) Plans must be formatted to allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire plan.

(3) If combined with a contingency plan, the prevention plan must be clearly separated from contingency plan elements.

(4) Prevention plan content requirements specified in WAC 173-180-630 are presented in suggested but not requisite order.

(5) Computerized plans, in addition to a hard copy, may be submitted to ecology.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-620, filed 9/25/06, effective 10/26/06.]

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WAC 173-180-630 Plan content requirements. (1)

Each plan must contain a submittal agreement which:

(a) Includes the name, address, and phone number of submitting party;

(b) Verifies acceptance of the plan by the owner or operator of the facility by either signature of the owner or operator or signature by a person with authority to bind the corporation which owns or operates the facility;

(c) Commits the owner or operator of the facility to execution of the plan, and verifies that the plan holder is authorized to make appropriate expenditures in order to execute plan provisions; and

(d) Includes the name, location, and address of the facility, type of facility, starting date of operations, types of oil(s) handled, and oil volume capacity.

(2) Each plan must include a log sheet to record amendments to the plan. The log sheet must be placed at the front of the plan. The log sheet must provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that ecology was notified of the amendment pursuant to WAC 173-180-670, and the initials of the individual making the change. A description of the amendment and its purpose must also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.

(3) Each plan must include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(4) Each plan must describe its purpose and scope, including, but not limited to:

(a) The onshore facility or offshore facility operations covered by the plan;

(b) The relationship of the prevention plan to other oil spill plans and operation manuals held by the facility;

(c) The relationship of the plan to all applicable local, state, regional, tribal, and federal government prevention plans, including the Washington statewide master oil and hazardous substance spill contingency plan; and

(d) Information required under facility oil spill contingency plan standards in chapter 173-182 WAC; spill prevention, countermeasure, and control plan standards in 40 CFR 112.4(a); or facility operations manual standards in 33 CFR 154.310 (1-4) may be used to address (a) of this subsection.

(5) Each plan must describe the procedures and time periods for updating the plan and distributing the plan and updates to appropriate parties.

(6) Each plan must establish that the facility is in compliance with the Federal Oil Pollution Act of 1990. Within thirty calendar days after federal deadlines for facility requirements under that act, the plan must be updated to include any applicable evidence of compliance.

(7) Within thirty calendar days after evidence of financial responsibility is required by rules adopted by ecology pursuant to chapter 88.46 RCW, the plan must be updated to include any applicable evidence of compliance.

(8) Each plan must describe the types and frequency of spill prevention training provided to personnel.

(9) Each plan must provide evidence that the facility has an approved oil spill contingency plan or has submitted a contingency plan to ecology in accordance with standards and deadlines established by chapter 173-182 WAC.

(10) Each plan must address the facility's alcohol and drug use awareness and treatment program for all facility personnel.

(a) The plan must include at a minimum:

(i) Documentation of an alcohol and drug awareness program. The awareness program must provide training and information materials to all employees on recognition of alcohol and drug abuse; treatment opportunities, including opportunities under the Alcohol and Drug Addiction Treatment and Support Act pursuant to chapter 388-800 WAC; and applicable company policies;

(ii) A description of the facility's existing drug and alcohol treatment programs; and

(iii) A description of existing provisions for the screening of supervisory and key employees for alcohol and drug abuse and related work impairment.

(b) Evidence of conformance with applicable federal "Drug-Free Workplace" guidelines or other federal or state requirements may be used to address (a) of this subsection.

(11) Each plan must describe the facility's existing maintenance and inspection program.

(a) The description must summarize:

(i) Frequency and type of all regularly scheduled inspection and preventive maintenance procedures for tanks; pipelines; other key storage, transfer, or production equipment, including associated pumps, valves, and flanges; and over-pressure safety devices and other spill prevention equipment;

(ii) Integrity testing of storage tanks and pipelines, including but not limited to frequency; pressures used (including ratio of test pressure to maximum operating pressure, and duration of pressurization); means of identifying that a leak has occurred; and measures to reduce spill risk if test material is product;

(iii) External and internal corrosion detection and repair;

(iv) Damage criteria for equipment repair or replacement; and

(v) Any other aspect of the maintenance and inspection program.

(b) The plan must include a current index of maintenance and inspection records of the storage and transfer facilities and related equipment.

(c) Documentation required under 40 CFR 112.7(e) or 33 CFR 154 Subparts C and D may be used to address elements of this subsection.

(d) Existing copies of the facility's maintenance and inspection records for the five-year period prior to plan submittal must be maintained and must be available for inspection if requested by ecology. The plan must document the use of a system to maintain such records over a five-year period for subsequent activity.

(12) Each plan must describe spill prevention technology currently installed and in use, including:

(a) Tank and pipeline materials and design;

(b) Storage tank overflow alarms, low level alarms; tank overflow cut-off switches; automatic transfer shutdown systems; methods to alert operators; system accuracy; and tank fill margin remaining at time of alarm activation in terms of vertical distance, quantity of liquid, and time before overflow would occur at maximum pumping rate; documentation required under 40 CFR 112.7 (e)(2)(viii) or 33 CFR 154.310

(a)(12-13) may be used to address some or all of these elements;

(c) Leak detection systems for both active and nonactive pipeline conditions, including detection thresholds in terms of duration and percentage of pipeline flow; limitations on system performance due to normal pipeline events; and procedures for operator response to leak alarms;

(d) Documentation required under 40 CFR 112.7 (e)(3) may be used to address some or all of these elements;

(e) Rapid pump and valve shutdown procedures, including means of ensuring that surge and over-pressure conditions do not occur; rates of valve closure; sequence and time duration (average and maximum) for entire procedure; automatic and remote control capabilities; and displays of system status for operator use;

(f) Documentation required under 40 CFR 112.7 (e)(3) may be used to address some or all of these elements;

(g) Methods to minimize post-shutdown residual drain-out from pipes, including criteria for locating valves; identification of all valves (including types and means of operation) that may be open during a transfer process; and any other techniques for reducing drain-out;

(h) Means of relieving pressure due to thermal expansion of liquid in pipes during quiescent periods;

(i) Secondary containment, including capacity, permeability, and material design;

(j) Documentation required under 40 CFR 112.7 (e)(1) and 2)(iii-iv) may be used to address some or all of these elements;

(k) Internal and external corrosion control coatings and monitoring;

(l) Storm water and other drainage retention, treatment, and discharge systems, including maximum storage capacities and identification of any applicable discharge permits;

(m) Documentation required under 40 CFR 112.7 (e)(1) and 2)(iii and ix) may be used to address some or all of these elements; and

(n) Criteria for suspension of operations while leak detection or other spill control systems are inoperative.

(13) Each plan must describe measures taken to ensure facility site security, including:

(a) Procedures to control and monitor facility access;

(b) Facility lighting (documentation required under 33 CFR 154.570 may be used to address some or all of this element);

(c) Signage; and

(d) Right of way identification or other measures to prevent third-party damage (documentation required under 40 CFR 112.7 (e)(3)(v) and (9) may be used to address some or all of this element).

(14) Each plan must list any discharges of oil in excess of twenty-five barrels (one thousand fifty gallons) to the land or waters of the state which occurred during the five-year period prior to the plan submittal date. For each discharge, the plan must describe:

(a) Quantity;

(b) Type of oil;

(c) Geographic location;

(d) Analysis of cause, including source(s) of discharged oil and contributing factors (e.g., third party human error, adverse weather, etc.); and

(e) Measures taken to remedy the cause and prevent a reoccurrence.

The period between July 1, 1987, and January 1, 1993, the facility must provide existing information regarding (a) through (e) of this subsection for such discharges, and must document the use of a system to record complete information for subsequent discharges.

(15) Each plan must include a detailed and comprehensive analysis of facility spill risks based on the information required in subsections (11) through (14) of this section, and other relevant information.

(a) The risk analysis must:

(i) Evaluate the construction, age, corrosion, inspection and maintenance, operation, and oil spill risk of the transfer, production, and storage systems in the facility, including piping, tanks, pumps, valves, and associated equipment;

(ii) Evaluate spill minimization and containment systems within the facility;

(iii) Be prepared under the supervision of (and bear the seal of) a licensed professional engineer or another individual which ecology has deemed to have an acceptable level of expertise.

(b) Documentation required under 40 CFR 112.7 (b) and (e) may be used to address some or all of the elements of this subsection.

(16) Each plan must describe how the facility will incorporate those measures that will provide best achievable protection to address the spill risks identified in the risk analysis required in subsection (15) of this section.

Information documented pursuant to 40 CFR 112.7(e) and 33 CFR 154.310 (a)(1-4) may be used to address some or all of these elements of this subsection.

(17) If the prevention plan is combined with a contingency plan, the prevention plan may incorporate information required in this section by reference if that information is provided in the contingency plan.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-630, filed 9/25/06, effective 10/26/06.]

WAC 173-180-640 Plan submittal. (1) Any onshore or offshore facility that first begins operating after the deadlines stated in this subsection must submit a plan to ecology at least sixty-five calendar days prior to the beginning of operations.

(2) Three copies of the plan and appendices must be delivered to:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Prevention Plan Review
P.O. Box 47600
Olympia, WA 98504-7600

Or

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
300 Desmond Drive
Lacey, WA 98503

(3) Onshore and offshore facility plans may be submitted by:

(a) The facility owner or operator; or

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(b) A primary response contractor approved by ecology pursuant to chapter 173-182 WAC in conformance with signature requirements under WAC 173-180-630(1).

(4) A single plan may be submitted for more than one facility, provided that the plan meets the requirements in this chapter for each facility listed.

(5) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-640, filed 9/25/06, effective 10/26/06.]

WAC 173-180-650 Plan review and approval. (1)

Ecology must endeavor to review each plan in sixty-five calendar days. If the plan is submitted in conjunction with a contingency plan required under chapter 173-182 WAC, ecology may extend the prevention plan review period an additional sixty-five calendar days. Upon receipt of a plan, ecology must evaluate promptly whether the plan is incomplete. If ecology determines that a plan is incomplete, the submitter must be notified of deficiencies. The review period will not begin until ecology receives a complete plan.

All prevention plans will be valid for no more than five years from the date on the approval letter. Ecology will review prevention plans to ensure compliance with this chapter.

(2) Ecology must regularly notify interested parties of any prevention plans, which are under review by ecology, and make plans available for review by all ecology programs, other state, local, tribal, and federal agencies, and the public. Ecology must accept comments on the plan from any interested party during the first thirty calendar days of review by ecology.

(3) A plan must be approved if, in addition to meeting criteria in WAC 173-180-530, it demonstrates that when implemented, it can:

(a) Provide best achievable protection from damages caused by the discharge of oil into the waters of the state;

(b) Minimize the likelihood that facility oil spills will occur;

(c) Minimize the size and impacts of those facility oil spills which do occur; and

(d) After the adoption of facility operation standards by rule by ecology pursuant to RCW 90.56.220:

(i) Provide for compliance with prevention standards and deadlines established by facility operations standards adopted by rule by ecology pursuant to RCW 90.56.220; and

(ii) Provide, to the maximum extent practicable, protection from oil spill risk factors identified in the risk analysis required by WAC 173-180-630, for those risk factors not addressed by facility operations standards adopted by rule by ecology pursuant to RCW 90.56.220.

(4) When reviewing plans, ecology must, in addition to the above criteria, consider the following at a minimum:

(a) The volume and type of oil(s) addressed by the plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(c) Inspection reports;

(d) The presence of hazards unique to the facility, such as seismic activity or production processes;

(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(f) Any pertinent local, state, tribal, federal agency, or public comments received on the plan.

(5) Ecology may approve a plan based upon an expedited review pursuant to criteria set out in this chapter, if that plan has been approved by a federal agency or other state which ecology has deemed to apply approval criteria which equal or exceed those of ecology.

(6) Ecology must endeavor to notify the facility owner or operator within five working days after the review is completed whether the plan has been approved.

(a) If the plan receives approval, the facility owner or operator must receive a certificate of approval describing the terms of approval, including an expiration date.

(b) Ecology may conditionally approve a plan by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.

(i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) A plan holder must have thirty calendar days after ecology gives notification of conditional status to submit to ecology and implement required changes, with the option for an extension at ecology's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.

(c) If plan approval is denied or revoked, the facility owner or operator must receive an explanation of the factors for disapproval and a list of deficiencies. The facility must not continue oil storage, transfer, production, or other operations until a plan for that facility has been approved.

(d) Ecology's decisions under this chapter are reviewable in superior court.

(e) If a plan holder demonstrates an inability to comply with an approved prevention plan or otherwise fails to comply with requirements of this chapter, ecology may, at its discretion:

(i) Place conditions on approval pursuant to (b) of this subsection; or

(ii) Revoke its approval pursuant to (c) of this subsection.

(f) Approval of a plan by ecology does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(7) Ecology must prepare a manual to aid ecology staff responsible for plan review. This manual must be made available to plan preparers. While the manual will be used as a tool to conduct review of a plan, ecology will not be bound by the contents of the manual.

(8) Ecology must work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of prevention plans from marine facilities.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-650, filed 9/25/06, effective 10/26/06.]

[Title 173 WAC—p. 374]

WAC 173-180-660 Plan maintenance and use. (1)

Each facility covered by the plan must conspicuously locate copies of the plan within the facility to ensure that a copy of the plan is immediately accessible to all facility personnel involved in supervising or implementing oil handling operations.

(2) Facilities must ensure that all employees involved in oil transfer, production, or storage operations are familiar with the plan provisions through regular training. Orientation materials for new employees involved in oil transfer, production, or storage operations must contain a copy of the plan.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-660, filed 9/25/06, effective 10/26/06.]

WAC 173-180-670 Plan update timeline. (1)

Ecology must be notified in writing as soon as possible and prior to completion of any significant change which could affect the plan. If the change will reduce the facility's ability to implement the plan, the plan holder must also provide a schedule for the return of the plan to full implementation capability.

(a) A significant change includes, but is not limited to:

(i) A change in the owner or operator of the facility;

(ii) A change in the types of oil handled at the facility;

(iii) A five percent or greater change in the facility's oil handling capacity;

(iv) Noncompliance with the Federal Oil Pollution Act of 1990;

(v) Noncompliance with state financial responsibility requirements developed under chapter 88.40 RCW; and

(vi) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility equipment, operations, personnel procedures, or any other change, including compliance with amended or new rules adopted by ecology, which substantially affects the level of risk described pursuant to WAC 173-180-630.

(b) Changes which are not considered significant include, but are not limited to, minor variations (less than five percent) in oil handling capacity, maintenance schedules, and operating procedures, provided that none of these changes will increase the risk of a spill.

(c) The facility must update the plan's list of discharges, as required by WAC 173-180-630, within thirty calendar days after an oil discharge by the facility in excess of twenty-five barrels (one thousand fifty gallons).

(d) A facsimile will be considered written notice for the purposes of this subsection.

(e) Failure to notify ecology of significant changes must be considered noncompliance with this chapter and subject to enforcement provisions of chapter 90.56 RCW.

(2) If ecology finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 173-180-650, ecology may, at its discretion, place conditions on approval or revoke approval in accordance with WAC 173-180-650. Ecology may also require the plan holder to amend its plan to incorporate the change.

(3) Within thirty calendar days of making a change to the prevention plan, the facility owner or operator must distribute the amended page(s) of the plan to ecology and other plan holders.

(4) Plans must be reviewed by ecology at least every five years pursuant to WAC 173-180-650. Plans must be submit-

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ted for reapproval unless the plan holder submits a letter requesting that ecology review the plan already in ecology's possession. The plan holder must submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.

(5) Ecology may require a new review and approval process for a prevention plan following any spill at the facility.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-670, filed 9/25/06, effective 10/26/06.]

PART G: OIL TRANSFER RESPONSE PLANS

WAC 173-180-700 Applicability of Part G. Part G applies to Class 1 and 2 facilities. Ecology has not adopted oil transfer response plan requirements for Class 3 and 4 facilities.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-700, filed 9/25/06, effective 10/26/06.]

WAC 173-180-710 Class 1 facility—Contingency plans. Class 1 facilities must have an approved contingency plan as required in chapter 173-182 WAC contingency plan, drill program, and response contractor standards.

The Class 1 facility may request that performance under applicable sections of this chapter be credited for portions of the contingency plan drill requirements.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-710, filed 9/25/06, effective 10/26/06.]

WAC 173-180-720 Class 2 facility—Oil transfer response plans. Class 2 facilities must have an approved oil transfer response plan (response plan) as required in Part G of this chapter.

The Class 2 facility may request that performance under applicable sections of this chapter be credited for portions of the contingency plan drill requirements.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-720, filed 9/25/06, effective 10/26/06.]

WAC 173-180-730 Class 2 facility—Contents of the oil transfer response plan (response plan). (1) All Class 2 facilities that transfer oil to a nonrecreational vessel must prepare and submit to ecology an oil transfer response plan (response plan) that meets the requirements of 33 CFR Part 154, Subpart F.

(2) In addition to the requirements in subsection (1) of this section, all Class 2 facilities response plans must include all of the following:

(a) A description of how the Class 2 facility meets the requirements in WAC 173-180-220;

(b) The spill response contractor the facility lists in the response plan must also be a state approved primary response contractor under WAC 173-182-800;

(c) A statement that the facility will participate in unannounced drills as described in Part H of this chapter;

(d) A description of how the facility will meet the training exercise program in 33 CFR 154.1050 and 154.1055 as well as the drill requirements in WAC 173-180-810; and

(e) A form the Class 2 facility must use to provide initial and follow-up spill notification as required in 33 CFR

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154.1035 and includes notification information for state agencies as required in RCW 90.56.280.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-730, filed 9/25/06, effective 10/26/06.]

WAC 173-180-740 Class 2 facility—Response plan submittal. (1) For a Class 2 facility that begins operations after the effective date of this chapter, the Class 2 facility must submit a response plan at least ninety calendar days prior to conducting the first oil transfer operation to a nonrecreational vessel for that facility.

(2) For a Class 2 facility operating on the effective date of this chapter, must submit the response plan at least ninety calendar days of the effective date of this chapter.

(3) The Class 2 facility owner or operator must deliver two paper copies and one electronic copy of the response plan to:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Response Plan Review
P.O. Box 47600
Olympia, WA 98504-7600
Or
The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Response Plan Review
300 Desmond Drive
Lacey, WA 98503

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-740, filed 9/25/06, effective 10/26/06.]

WAC 173-180-750 Class 2 facility—Response plan review and approval. (1) Upon receipt of the complete response plan ecology must review the response plan and then ecology will notify the Class 2 facility if ecology:

(a) Approved the response plan.

(b) Found deficiencies in the response plan.

(2) If ecology approves a response plan, ecology will send a letter indicating approval and will include an expiration date for the response plan.

(3) If ecology finds deficiencies in the response plan, ecology may grant conditional approval of a response plan by requiring the facility to operate with specific precautionary measures until the facility submits acceptable provisions of the response plan and ecology approves the response plan.

(4) If ecology grants conditional approval, ecology will:

(a) Send notice to the facility describing the deficiencies;

(b) Provide the facility with a due date by which the facility must address the deficiencies; and

(c) Provide precautionary measures the facility must implement until ecology grants full approval of the response plan.

(5) If a facility receives conditional approval, the Class 2 facility must submit and implement required changes to ecology within the due date, with the option for an extension at ecology's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.

(6) Upon receiving the information required by conditional approval, ecology will complete the review.

[Title 173 WAC—p. 375]

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-750, filed 9/25/06, effective 10/26/06.]

WAC 173-180-760 Class 2 facility—Response plan update and timeline. (1) The facility is required to keep the response plan up-to-date with accurate information.

(2) Whenever changes are made to the response plan, two paper copies and one electronic of the changed sections must be submitted to ecology to be placed in the facility's plan on file at ecology.

(3) Ecology must review the facility's oil transfer response plan every five years.

(a) The facility must submit two paper copies or one electronic copy of the response plan for reapproval; or

(b) The facility may submit a letter to ask ecology to review the response plan that is currently on file at the agency.

(4) The facility must submit the response plan or letter at least ninety calendar days in advance of the expiration date of the response plan.

(5) Ecology may review and request changes to your response plan following any oil spill, inspection, or drill.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-760, filed 9/25/06, effective 10/26/06.]

WAC 173-180-770 Class 2 facility—Response plan maintenance and use. The Class 2 facility must keep the response plan at each transfer location as well as the primary place of business.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-770, filed 9/25/06, effective 10/26/06.]

PART H: DRILL PROGRAM

WAC 173-180-800 Applicability of Part H. (1) Part H applies to Class 2 facilities only.

(2) Drill requirements for Class 1 facilities are in chapter 173-182 WAC.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-800, filed 9/25/06, effective 10/26/06.]

WAC 173-180-810 Type of drills. In addition to the National Preparedness for Response Exercise Program, ecology may conduct the following unannounced drills at Class 2 facilities:

Type of Drill	Drill Expectations and Duration
Deployment drills	These drills may involve testing whether or not the facility can deploy personnel, boom, recovery, and storage equipment as described in WAC 173-180-222.
Notification and emergency shutdown procedure drills	These drills may involve testing the facility's ability to follow the notification in the response plan and emergency shutdown procedures described in the operations manual.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-810, filed 9/25/06, effective 10/26/06.]

[Title 173 WAC—p. 376]

WAC 173-180-820 Unannounced drills for Class 2 facilities. (1) Ecology will evaluate these drills.

(2) At the start of the unannounced drill, ecology will notify the Class 2 facility of the drill objectives, expectations and scenario.

(3) The Class 2 facility may request to be excused from an unannounced deployment drill if conducting the drill poses an unreasonable safety or environmental risk, or significant economic hardship. If ecology approves the request, ecology will call the drill on another date.

(4) Ecology will provide the facility with a drill evaluation. If deficiencies are found during the drill, ecology may require a redrill after the facility corrects the deficiencies.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. 06-20-034 (Order 06-02), § 173-180-820, filed 9/25/06, effective 10/26/06.]

Chapter 173-180A WAC

FACILITY OIL-HANDLING OPERATIONS AND DESIGN STANDARDS

WAC

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WAC 173-180A-010 Purpose. The purpose of this rule is to establish facility operations and design standards which, when followed, will:

(1) Prevent oil and petroleum spills from occurring;

(2) Ensure that facilities are designed and operated in a manner which will provide the best achievable protection of the public health and the environment;

(3) Provide improved protection of Washington waters and natural resources from the impacts of oil spills caused by improper oil-handling equipment design and operations.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-010, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-020 Authority. RCW 90.56.220 provides statutory authority for developing operations and design standards and implementing a compliance program established by this chapter.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-020, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-030 Definitions. "Appropriate person" means a person designated by the facility as being competent and trained to implement a designated function.

"Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest

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degree of protection available. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering: The additional protection provided by the measures; the technological achievability of the measures; and the cost of the measures.

"Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration: Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

"Board" means the pollution control hearings board.

"Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

"Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

"Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

"Department" means the department of ecology.

"Directly impact" means without treatment.

"Director" means the director of the department of ecology.

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"Emergency shutdown" means a deliberate stoppage of equipment or facility operation under circumstances requiring immediate action to prevent or reduce loss of life, injury, oil spills or significant damage to or loss of property or environmental values.

Facility:

"Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in the bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

A facility does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by the department or a local government under chapter 90.76 RCW; a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

"Facility person in charge" means the person designated under the provisions of 33 CFR 154.710.

"Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

"Immediate threat" means threat which could cause loss of life, reduce safety or adversely impact waters of the state or environment.

"Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 CFR Part 302 adopted August 14, 1989, under section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

"Offshore facility" means any facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

"Onshore facility" means any facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

Owner or operator:

"Owner or operator" means: In the case of a vessel, any person owning, operating, or chartering by demise, the vessel; in the case of an onshore or offshore facility, any person owning or operating the facility; and in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

"Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

"Pipeline operator" means the operator of a transmission pipeline.

"Process pipelines" means a pipeline used to carry oil within the oil refining/processing units of a facility, process unit to tankage piping and tankage interconnecting piping. Process pipelines do not include pipelines used to transport oil to or from a tank vessel or transmission pipeline.

"Secondary containment" means containment systems which prevent any materials discharged from reaching the waters of the state.

"Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

"Spill" means an unauthorized discharge of oil which enters waters of the state.

"State" means the state of Washington.

"Storage tank" means all aboveground containers connected to transfer pipelines or any aboveground containers greater than ten thousand gallons (two hundred thirty-eight barrels), including storage and surge tanks, used to store bulk quantities of oil. Storage tanks do not include those tanks regulated by chapter 90.76 RCW, rolling stock, wastewater

treatment equipment, process pressurized vessels or other tanks used in the process flow through portions of the facility.

"Tankage interconnecting piping" means buried or aboveground piping used to carry oil between storage tanks.

"Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

Operates on the waters of the state; or

Transfers oil in a port or place subject to the jurisdiction of this state.

"Transmission pipeline" means a pipeline whether interstate or intrastate, subject to regulation by the United States Department of Transportation under 49 CFR 195, as amended through December 5, 1991, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

"Transfer" means any movement of oil between a tank vessel or transmission pipeline and the facility.

"Transfer pipeline" is a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis.

"Vessel person in charge" means the person designated under the provisions of 33 CFR 155.700.

"Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and land adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-030, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-040 Applicability. Onshore and offshore facilities shall meet the requirements of this section. This rule does not apply to portions of a facility regulated by 49 CFR 195.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-040, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-050 Compliance schedule. (1) Facilities must comply with this rule thirty-six months after its effective date. Facilities needing additional time to comply with this rule must obtain written approval from the department extending this date and must submit a proposed compliance schedule to the department within eighteen months of the effective date of this rule subject to the following provisions:

(a) Compliance schedules must include a justification of need for additional time. Facilities shall cite the specific requirements of this rule which will be addressed by the proposed compliance schedule.

(b) Compliance schedules shall contain target dates for the commencement and completion of projects leading to the ultimate compliance with all provisions of this rule.

(c) Only requirements which cannot be met within thirty-six months of the effective date of this rule need to be identified in the compliance schedule.

(d) Compliance schedules which do not meet the definition of best achievable protection will not be approved by the department.

(e) It shall be legal to operate a facility if a proposed compliance schedule has been submitted to the department and the department has not provided the facility with a formal response.

(2) Facilities with approved compliance schedules must:

(a) Meet all requirements of this rule not specifically addressed in the compliance schedule.

(b) Submit a progress report to the department every six months following the compliance schedule approval date.

(c) Meet all compliance schedule dates unless written approval is received from the department.

(3) Facilities commencing construction thirty-six months or later after the adoption date of this rule shall meet the provisions of this rule at the time they commence operation. Facilities under design or construction at the time of the adoption of this rule shall comply with this rule thirty-six months after the adoption date of this rule.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-050, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-060 Vessel transfer requirements.

(1) General requirements.

(a) No person shall conduct an oil transfer operation to or from a tank vessel unless the facility person in charge (FPIC) and the vessel person in charge (VPIC) have:

(i) Conducted a pretransfer conference as described in 33 CFR 156.120(w) as amended on September 4, 1990;

(ii) Ensured that transfer connections have been made as specified in 33 CFR 156.130 as amended on September 4, 1990;

(iii) Completely filled out and signed the declaration of Inspection as required by 33 CFR 156.150 as amended on September 4, 1990.

(iv) Established adequate communication in English between the vessel and the facility and in accordance with 33 CFR 154.560 as amended on September 4, 1990.

(v) Ensured that the available capacity in the receiving tank(s) is (are) greater than the volume of oil to be transferred and all other tank fill valves which could influence the routing of the transferred oil are properly aligned.

(b) The operator shall verify that the designated storage tanks are receiving oil at the expected rate.

(c) For the purpose of scheduling inspections, the department may require a facility operator to provide a twenty-four hour advance notification with updates to the department of any anticipated transfer of bulk oil by a facility operator. The department shall notify the facility in writing when this procedure will be required.

(d) Transfer operations shall be supervised by the appropriate person in charge in accordance with 33 CFR 156.160 as amended on September 4, 1990.

(e) Each FPIC shall ensure that the means of operating the emergency shutdown is immediately available while oil is being transferred between the facility and the vessel.

(f) Transfer equipment requirements shall meet the conditions of 33 CFR 154.500 through 33 CFR 154.545 as amended on September 4, 1990.

(g) Transfer equipment shall be tested in accordance with procedures identified in 33 CFR 156.170 as amended on September 4, 1990. Transfer hoses shall be tested at intervals not exceeding twelve months in accordance with the procedures identified by the RMA/IP-11-4, *Rubber Manufacturers Association Manual for Maintenance, Testing and Inspection of Hose* dated 1987 or the manufacturer's recommendations for testing.

(h) All transfer operations shall be in accordance with operations manuals approved under chapter 173-180B WAC.

(i) The FPIC shall refuse to initiate or shall cease transfer operations with any vessel which has not provided complete information as required by the declaration of inspection, has refused to correct deficiencies identified by the FPIC during the pretransfer conference, or does not comply with the facility operations manual or facility requirements.

(2) Oil spills.

(a) Any person conducting an oil transfer shall stop the transfer operation whenever oil from any source associated with the transfer is spilled into the water, or discharged onto the facility deck or dock outside secondary containment, or upon the shoreline adjoining the transfer area.

(b) Transfer operations may not resume after a spill until:

(i) Notification has been made in accordance with RCW 90.56.280; and

(ii) The FPIC and the VPIC have determined that there is no longer an immediate threat to waters of the state or public health.

(c) The department may require that transfer operations stopped under subsection (2)(a) of this section may not resume unless authorized by the department.

(3) Suspension of transfer operations for immediate threat.

(a) The director may order a facility to suspend transfer operations if there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil or to protect the public health and safety, and the environment.

(b) An order of suspension may be made effective immediately.

(c) An order of suspension shall specify each condition requiring immediate action.

(d) The transfer operation shall remain suspended until the director has determined that the need for immediate action is no longer necessary and has notified the facility operator of that determination.

(e) The director shall notify the facility operator as soon as possible of the determination that the need for immediate action is no longer necessary.

(f) The facility operator may petition the pollution control board, in writing or in any other manner, to reconsider an order of suspension.

[Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-060, filed 5/4/94, effective 6/4/94.]

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WAC 173-180A-070 Transmission pipeline transfer requirements. (1) General requirements.

(a) No person shall conduct an oil transfer operation to or from a transmission pipeline unless the appropriate person and the pipeline operator have:

(i) Conducted pretransfer communications which identify:

(A) Type of oil;

(B) Transfer volume;

(C) Flow rates;

(D) Transfer startup or arrival time;

(ii) Facilities which receive oil from a transmission pipeline must:

(A) Confirm that the proper manifold and valves are open and ready to receive product;

(B) Notify the transmission pipeline operator when a storage tank has less than one foot of oil above the inlet nozzle;

(C) Coordinate arrival time of oil with the pipeline operator;

(D) Confirm the available storage capacity for transfers to a facility;

(E) Ensure that only the designated tank(s) is (are) receiving oil.

(iii) Ensured that proper transfer alignment of the pipeline, valves, manifolds and storage tanks have been made.

(iv) Established adequate communication in English between the facility and pipeline operator.

(b) For the purpose of scheduling inspections, the department may require a twenty-four hour notification to the department in advance of any transfer of bulk oil by a facility operator. The department shall request notification in writing when this procedure is required.

(c) Transfer operations shall be supervised by an appropriate person.

(d) Each facility operator shall ensure that the means of operating or requesting emergency shutdown is immediately available while oil is being transferred between the facility and the pipeline.

(e) If startup, shutdown, and/or emergency shutdown are controlled by the pipeline operator directly using instrumentation and control devices, the accuracy of these devices shall be checked at least annually.

(f) All transfer operations shall be conducted in accordance with operations manuals approved under chapter 173-180B WAC.

(2) Oil spills.

(a) Any person conducting an oil transfer shall stop the transfer operation whenever oil from any source associated with the transfer is spilled into the water or upon the adjoining shoreline in the transfer area.

(b) Transfer operations may not resume after a spill until:

(i) The proper notification has been made in accordance with RCW 90.56.280; and

(ii) All threats to waters of the state and public health no longer exist as determined by the appropriate person.

(c) The department may require that transfer operations stopped under subsection (2)(a) of this section may not resume unless authorized by the department.

(3) Suspension of transfer operations for immediate threat.

(a) The director may order a facility to suspend transfer operations if there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil or to protect the public health and safety, and the environment.

(b) An order of suspension may be made effective immediately.

(c) An order of suspension shall specify each condition requiring immediate action in writing.

(d) The transfer operation shall remain suspended until the director has determined that the need for immediate action is no longer necessary and has notified the facility operator of that determination.

(e) The director shall notify the facility operator as soon as possible of the determination that the need for immediate action is no longer necessary.

(f) The facility operator may petition the pollution control board, in writing or in any other manner, to reconsider an order of suspension.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-070, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-080 Secondary containment requirements for aboveground storage tanks. (1) Aboveground oil storage tanks must be located within secondary containment areas. Secondary containment systems must be:

(a) Designed, constructed, maintained and operated to prevent discharged oil from entering waters of the state at any time during use of the tank system;

(b) Capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Constructed with materials that are compatible with stored material to be placed in the tank system.

(d) Soil may be used for the secondary containment system, provided that any spill onto the soil will be sufficiently contained, readily recoverable and will be managed in accordance with the provisions under WAC 173-303-145 as amended in December 1993, spills and discharges and any other applicable regulation.

(e) Constructed with sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the fluid stored in the storage tank, climatic conditions, and the stresses of daily operations (including stresses from nearby vehicular traffic);

(f) Placed on a base or foundation capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;

(g) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked oil and accumulated precipitation must be removed from the secondary containment system in a manner which will provide the best achievable protection of public health and the environment; and

(h) Visually inspected monthly to confirm secondary containment integrity. Items requiring attention as determined by the visual inspection must be documented. Records must be kept on site for a minimum of three years.

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(2) The secondary containment system must be maintained to prevent a breach of the dike by controlling burrowing animals and weeds;

(3) The secondary containment system must be maintained free of debris and other materials which may interfere with the effectiveness of the system, including excessive accumulated precipitation.

(4) The facility shall maintain at least one hundred percent of the working capacity of the largest storage tank within the secondary containment area at all times.

(5) All secondary containment pumps, siphons and valves must be properly maintained and kept in good working order.

(6) Drainage of water accumulations from secondary containment areas that discharge directly to the land or waters of the state must be controlled by locally operated, positive shutoff valves or other positive means to prevent a discharge. Valves must be kept closed except when the discharge from the containment system is in compliance with chapter 90.48 RCW, Water pollution control. Valves must be locked closed when the facility is unattended. Necessary measures shall be taken to ensure secondary containment valves are protected from inadvertent opening or vandalism. There shall be some means of readily determining valve status by facility personnel such as a rising stem valve or position indicator.

(7) The owner or operator shall inspect or monitor accumulated water before discharging from secondary containment to ensure that no oil will be discharged to the waters of the state. All water discharges shall comply with state water quality program regulations as described in chapter 90.48 RCW.

(8) The department may require oil containers less than ten thousand gallons (two hundred thirty-eight barrels) capacity to have secondary containment when the container is located less than six hundred feet from navigable waters of the state or a storm water or surface drains which may directly impact navigable waters of the state.

(9) A secondary containment system constructed after the adoption date of this rule shall be installed as follows:

(a) In accordance with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, section 2-3.4.3;

(b) Secondary containment systems must be capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Secondary containment systems shall be designed to withstand seismic forces;

(d) Drains and other penetrations through secondary containment areas must be minimized consistent with facility operational requirements; and

(e) Secondary containment systems shall be designed and constructed in accordance with sound engineering practice and in conformance with the provisions of this section.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-080, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-090 Storage tank requirements. (1) Storage tanks constructed after the adoption date of this rule shall meet or exceed the 1993 version of the National Fire

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Protection Association (NFPA 30) requirements and one of the following design and manufacturing standards:

(a) UL No. 142, Steel Aboveground Tanks for Flammable and Combustible Liquids dated April 1993;

(b) API Standard 650, Welded Steel Tanks for Oil Storage dated November 1988;

(c) API Standard 620, Design and Construction of Large Welded, Low-Pressure Tanks dated June 1990; or

(d) Another standard approved by the department.

(2) The owner or operator shall ensure that the means of preventing storage tank overfill comply with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, Chapter 2, Section 2-10.

(3) Storage tanks shall be maintained, repaired and inspected in accordance with the requirements of API 653 dated January 1991 unless the operator proposes an equivalent inspection strategy which is approved by the department.

(4) A record of all inspection results and corrective actions taken must be kept for the service life of the tank and must be available to the department for inspection and copying upon request.

[Statutory Authority: RCW 90.56.220, 94-10-084, § 173-180A-090, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-100 Transfer pipeline requirements.

(1) Pipelines replaced, relocated or constructed after the adoption date of this rule which are located in areas not controlled by the facility shall be installed in accordance with 49 CFR 195.246 through 49 CFR 195.254 as amended on October 8, 1991, where feasible. Facility control is established by fencing, barriers or other method accepted by the department which protects the pipe right of way and limits access to personnel authorized by the facility.

(2) All pipelines shall be protected from third party damage in a reasonable manner and be able to withstand external forces exerted upon them. This shall be done by:

(a) Registering all underground pipelines located in public right of way areas in the local one call system if available;

(b) Maintaining accurate maps for all underground piping located outside the facility. The maps shall identify pipe size and location. The approximate depths of pipelines shall be identified for pipelines which do not comply with 49 CFR 195.248 as amended on October 8, 1991;

(c) Marking all piping located in areas not controlled by the facility in accordance with 49 CFR 195.410 as amended on October 8, 1991;

(d) Providing easement inspections of areas identified by subsection (2)(b) of this section on a weekly basis to determine if there is any uncommon activity occurring which may affect the integrity of the pipeline;

(e) Ensuring that pipelines at each railroad, highway or road crossing are designed and installed to adequately withstand the dynamic forces exerted by anticipated traffic loads.

(3) Pipelines constructed after the adoption date of this rule shall be designed and constructed in accordance with the American Society of Mechanical Engineers (ASME) Standard for pressure piping ASME B31.3 or B31.4 issued March 15, 1993, in effect during the time of construction or any other standard accepted by the department.

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(4) Pipelines must be inspected in accordance with API 570, 1993, Piping Inspection Code. As an alternative to complying with API 570, the facility must comply with the following requirements:

(a) Buried pipelines constructed after the adoption date of this rule must be coated. Coatings shall be designed and inspected to meet the following conditions consistent with the definition of best achievable protection:

(i) Coatings shall effectively electrically isolate the external surfaces of the pipeline system from the environment.

(ii) Coatings shall have sufficient adhesion to effectively resist underfilm migration of moisture.

(iii) Coatings must be sufficiently ductile to resist cracking.

(iv) The coating shall have sufficient impact and abrasion resistance or otherwise be protected to resist damage due to soil stress and normal handling (including concrete coating application, installation of river weights and anode bracelet installation, where applicable).

(v) The coating must be compatible with cathodic protection.

(vi) The coating must be compatible with the operating temperature of the pipeline.

(vii) Coatings shall be inspected immediately before, during, or after pipe installation to detect coating faults. Faults in the coating shall be repaired and reinspected.

(b) All buried coated pipelines shall have properly operated cathodic protection which is maintained during the operational life of the pipeline system. Cathodic protection shall be maintained on pipeline systems which are out of service but not abandoned unless the operator can show that the pipeline integrity has been properly monitored and secured as approved by the department prior to operation of the abandoned pipeline. Pipeline owners or operators may perform a corrosion study to demonstrate that cathodic protection is not required as an option to installing cathodic protection. Corrosion studies shall follow the following guidelines as a minimum:

(i) Corrosion studies shall be completed by a professional engineer with experience in corrosion control of buried pipelines, a NACE certified corrosion specialist or by a person knowledgeable and qualified to perform the required testing and inspection who is approved by the department.

(ii) Corrosion studies for pipelines shall include at a minimum, the following:

(A) Pipeline thickness and corrosion rate for existing pipelines;

(B) Presence of stray DC currents;

(C) Soil resistivity/conductivity;

(D) Soil moisture content;

(E) Soil pH;

(F) Chloride ion concentration; and

(G) Sulfide ion concentration.

(c) All pipelines with cathodic protection are subject to the following requirements where applicable:

(i) Cathodic protection systems must be tested to determine system adequacy on an annual basis.

Note: The National Association of Corrosion Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Par-

tially Buried, or Submerged Liquid Storage Systems," may be used to comply with this section.

(ii) Impressed current cathodic protection rectifiers must be inspected every two months.

(iii) Where insulating devices are installed to provide electrical isolation of pipeline systems to facilitate the application of corrosion control, they shall be properly rated for temperature, pressure and electrical properties, and shall be resistant to the commodity carried in the pipeline system.

(iv) Buried pipeline systems shall be installed so that they are not in electrical contact with any metallic structures. This requirement shall not preclude the use of electrical bonding to facilitate the application of cathodic protection.

(v) Tests shall be carried out to determine the presence of stray currents. Where stray currents are present, measures shall be taken to mitigate detrimental effects.

(d) Buried bare pipelines shall be inspected in accordance with section 7 of API 570 dated June 1993. Pipeline thickness and corrosion rates shall be determined at an interval of no more than half of the remaining life of the pipeline as determined from corrosion rates or every five years whichever is more frequent. Pipeline thickness and corrosion rate shall be initially established within thirty-six months after the adoption date of this rule. The pipeline shall be operated in accordance with American Society of Mechanical Engineers (ASME) supplement to ASME B31G-1991 entitled "*Manual for Determining the Remaining Strength of Corroded Pipe*" for transmission pipelines issued June 27, 1991, API 570 dated June 1993 or a standard approved by the department.

(5) Whenever any buried pipe is exposed for any reason, the operator shall provide a nondestructive examination of the pipe for evidence of external corrosion. If the operator finds that there is active corrosion, the extent of that corrosion must be determined and if necessary repaired.

(6) Each facility shall maintain all pumps and valves that could affect waters of the state in the event of a failure. Transfer pipeline pumps and valves and storage tank valves shall be inspected annually and maintained in accordance with the manufacturers recommendations or an industrial standard approved by the department to ensure that they are functioning properly. Valves shall be locked when the facility is not attended. Necessary measures shall be taken to ensure that valves are protected from inadvertent opening or vandalism if located outside the facility or at an unattended facility.

(7) A written record must be kept of all inspections and tests covered by this section.

(8) Facilities shall have the capability of detecting a transfer pipeline leak equal to eight percent of the maximum design flow rate within fifteen minutes for transfer pipelines connected to tank vessels. Leak detection capability shall be determined by the facility using best engineering judgment. Deficiencies with leak detection systems such as false alarms must be addressed and accounted for by the facility. Facilities may meet these requirements by:

(a) Visual inspection provided the entire pipeline is visible and inspected every fifteen minutes; or

(b) Instrumentation; or

(c) Completely containing the entire circumference of the pipeline provided that a leak can be detected within fifteen minutes; or

(d) Conducting an acceptable hydrotest of the pipeline immediately before the oil transfer with visual surveillance of the exposed pipeline every fifteen minutes; or

(e) A combination of the above strategies; or

(f) A method approved by the department which meets the standard identified in this section.

Leak detection system operation and operator response must be described in the facility operations manual.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-100, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-110 Inspections. The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.56.410. During an inspection the department may require the facility to provide proof of compliance by producing all required records, documents as well as demonstrating spill prevention equipment and procedures required by this rule.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-110, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-120 Recordkeeping. Records required by this rule shall be maintained and available for a minimum of three years. Storage tank and pipeline records shall be maintained for the life of the equipment. Records shall be available to the department for inspection or photocopying upon request.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-120, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-130 Noncompliance. Any violation of this chapter may be subject to the enforcement sanctions of chapters 90.48 and 90.56 RCW.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-130, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-140 Rule review. The department shall review the requirements of this section every five years to ensure that best achievable protection of public health and environment is being achieved. This review shall include a review of current and updated industry standards, federal and state regulations, equipment and operational procedures.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-140, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-150 Severability. If any provision of this chapter is held invalid, the remainder of this rule is not affected.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-150, filed 5/4/94, effective 6/4/94.]

Chapter 173-180B WAC

FACILITY OIL-HANDLING OPERATIONS MANUAL STANDARDS

WAC

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WAC 173-180B-010 Purpose. The purpose of this chapter is to establish operations manual requirements which, when followed, will:

- (1) Help to prevent oil and petroleum spills from occurring;
- (2) Ensure that facilities are operated in a manner which will provide the best achievable protection of public health and the environment;
- (3) Provide improved protection of Washington waters and natural resources from the impacts of oil spills caused by operational errors.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-010, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-020 Authority. RCW 90.56.230 provides statutory authority for operations manual preparation and review requirements established by this chapter.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-020, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-030 Definitions. "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering: The additional protection provided by the measures; the technological achievability of the measures; and the cost of the measures.

"Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

"Board" means the pollution control hearings board.

"Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

"Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

"Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

(2007 Ed.)

Facility:

"Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

A facility does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by the department or a local government under chapter 90.76 RCW; a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

"Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

"Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 CFR Part 302 adopted August 14, 1989, under section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

"Offshore facility" means any facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include any land of the state, other than submerged land.

"Onshore facility" means any facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

Owner or operator:

"Owner" or "operator" means: In the case of a vessel, any person owning, operating, or chartering by demise, the vessel; in the case of an onshore or offshore facility, any person owning or operating the facility; and in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

Operator does not include any person who owns the land underlying a facility immediately before its abandonment.

"Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

"Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

"Spill" means an unauthorized discharge of oil which enters the waters of the state.

"Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

Operates on the waters of the state; and

Transfers oil in a port or place subject to the jurisdiction of this state.

"Transmission pipeline" means a pipeline whether interstate or intrastate, subject to regulation by the United States Department of Transportation under 49 CFR 195, as amended through December 5, 1991, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

"Transfer" means any movement of oil between a tank vessel or transmission pipeline and the facility.

"Transfer pipeline" is a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis.

"Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and land adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-030, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-040 Applicability. Operations manuals for onshore and offshore facilities must be prepared, submitted, and implemented, pursuant to the requirements in this chapter.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-040, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-050 Manual preparation. (1) Each facility shall prepare an operation and maintenance manual describing equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills. The manual shall also describe equipment and procedures required for all vessels which transfer oil to or from a facility. At a minimum, manuals shall meet the requirements of this chapter.

(2) The manual shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the manual holder's ability to meet the requirements of this chapter and the requirements of chapter 173-180A WAC.

[Title 173 WAC—p. 384]

(3) Coast Guard operations manuals required under 33 CFR 154.300 may be submitted to satisfy manual requirements under this chapter if the department deems that such federal requirements equal or exceed those of the department, or if the manuals are modified or appended to satisfy manual requirements under this chapter.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-050, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-060 Manual format requirements.

(1) Manuals shall be divided into a system of chapters and sections and shall be organized in a format which provides easy access to information.

(2) The manual shall allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire manual.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-060, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-070 Manual content requirements.

(1) Each operations manual submitted to the department shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party.

(b) Verifies acceptance of the manual by the owner or operator of the facility by either signature of the owner or operator or signature by a person with the authority to bind the corporation which owns such facility;

(c) Commits execution of the manual by the owner or operator of the facility, and verifies authority for the plan holder to make appropriate expenditures in order to execute plan provisions.

(d) Includes the name, location, and address of the facility, type of facility, and starting date of operations.

(e) Each manual shall include a log sheet to record amendments to the manual. The log sheet shall be placed at the front of the manual. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately following the log sheet.

(2) Each manual shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(3) Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 CFR 156 provided that a copy of the *Coast Guard Operations Manual* has been submitted to ecology.

(4) Operations manuals shall address at a minimum the following topics for marine transfers to or from facilities:

(a) The geographic location of the facility shown on a topographic map;

(b) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(c) A statement identifying facility operation hours;

(2007 Ed.)

(d) A discussion of the sizes, types, and number of vessels that the facility can transfer oil to or from, including simultaneous transfers;

(e) A description of all oil types transferred to or from the facility including:

(i) Generic and chemical name; and

(ii) The following oil information:

(A) The name of the oil;

(B) A description of the appearance of the oil;

(C) The hazards involved in handling the oil;

(D) Instructions for safe handling of oil;

(E) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil; and

(F) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil.

(f) A discussion of the minimum number of persons or equipment required to perform transfer operations and their duties;

(g) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(h) The duties of the transfer watchmen;

(i) Instructions in the use of each communication system;

(j) The location and facilities of each personnel shelter, if any;

(k) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;

(l) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(m) Quantity, types, locations, and instructions for use of monitoring devices;

(n) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;

(o) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(p) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;

(q) Detailed procedures for:

(i) Operating each loading arm including the limitations of each loading arm;

(ii) Transferring oil;

(iii) Completion of pumping; and

(iv) Emergencies.

(r) Procedures for reporting and initial containment of oil discharges;

(s) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(t) If applicable, procedures for shielding portable lighting;

(u) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns;

(v) Recordkeeping procedures and sample forms which are associated with the requirements in chapters 173-180A and 173-180B WAC;

(w) Example maintenance schedules incorporating manufacturers recommendations or an industrial standard approved by the department, preventative maintenance, replacement criteria for transfer pipelines, pumps and valves;

(2007 Ed.)

(x) A discussion of equipment and procedures required for all vessels which transfer oil to the facility. Procedures for verifying that vessels meet facility requirements and operations manual procedures;

(y) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overfill prevention procedures. Overfill prevention procedures shall be described for transfers to storage tanks and tank vessels;

(z) A discussion of the leak detection system and/or procedures implemented by the facility.

(5) Operations manuals shall address at a minimum the following topics for transfers to or from transmission pipelines:

(a) The geographic location of the facility shown on a topographic map;

(b) A physical description of the facility including a plan of the facility showing transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(c) A statement identifying facility operation hours;

(d) A description of all oil types transferred to or from the facility including:

(i) Generic and chemical name; and

(ii) The following oil information:

(A) The name of the oil;

(B) A description of the appearance of the oil;

(C) A description of the odor of the oil;

(D) The hazards involved in handling the oil;

(E) Instructions for safe handling of oil;

(F) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil; and

(G) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil.

(e) A discussion of the minimum number of persons required to perform transfer operations and their duties;

(f) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(g) The duties of the facility operator;

(h) A description of each communication system;

(i) The location and facilities of each personnel shelter, if any;

(j) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(k) Quantity, types, locations, and instructions for use of monitoring devices;

(l) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;

(m) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(n) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;

(o) Detailed procedures for:

(i) Transferring oil;

(ii) Completion of transfer; and

(iii) Emergencies.

(p) Procedures for reporting and initial containment of oil discharges;

(q) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(r) A description of the training and qualification program for persons in charge;

(s) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shut-downs;

(t) Recordkeeping procedures and sample forms to be used;

(u) Example maintenance schedules incorporating manufacturers recommendations or an industrial standard approved by the department, preventative maintenance replacement criteria for transfer pipelines, pumps and valves;

(v) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overfill prevention procedures. Overfill prevention procedures shall be described for transfers to storage tanks and tank vessels.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-070, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-080 Manual submittal. (1) Manuals for onshore and offshore facilities shall be submitted to ecology within eighteen months after the adoption date of this rule.

(2) Any onshore or offshore facility that first begins operating after the above deadline shall submit a manual to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the manual and appendices shall be delivered to:

Spill Management Section,
Operations Manual Review
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

(4) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-080, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-090 Manual review. (1) Upon receipt of a manual, ecology shall determine promptly whether the manual is complete. If the department determines that a manual is incomplete, the submitter shall be notified of deficiencies.

(2) A manual shall be approved if, in addition to meeting criteria in this section, that when implemented, it can provide best achievable protection from damages cause by the discharge of oil into waters of the state.

(3) When reviewing manuals, ecology shall, in addition to the above criteria, consider the following:

(a) The volume and type of oil(s) addressed by the facility prevention plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;

(c) Inspection reports;

(d) The presence of operating hazards;

(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(f) Any pertinent local, state, federal agency, or public comments received on the manual.

(4) Ecology shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the manual has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive an approval letter describing the terms of approval, including expiration dates pursuant to WAC 173-180-085(4).

(b)(i) Ecology may approve a manual conditionally by requiring a facility owner or operator to operate with specific precautionary measures until acceptable components of the plan are resubmitted and approved.

(ii) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability to response equipment.

(iii) A manual holder shall have thirty days after the department gives notification of conditional status to submit and implement required changes to ecology, with the option for an extension at ecology's discretion. Manual holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If manual approval is denied, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The owner or operator of the facility must resubmit the manual within ninety days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications. The facility shall not continue oil storage, transfer, production, or other operations until a manual for that facility has been approved.

(d) A manual holder may appeal ecology's decision under WAC 173-04-010.

(e) Approval of a manual by ecology does not constitute an express assurance regarding the adequacy of the manual nor constitute a defense to liability imposed under state law.

(5) It shall be legal to operate a facility if a proposed operations manual has been submitted to the department and the department has not provided the facility with a formal response.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-090, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-100 Manual maintenance and use.

(1) All equipment and operations of the facility shall be completed and maintained in accordance with the facility's operation manual. The owner or operator shall ensure that all covered vessels docked at an onshore or offshore facility comply with the terms of the operations manual for the facility.

(2) Each facility covered by the manual shall possess a copy of the manual and keep it in an immediately accessible location.

(3) Facilities shall ensure that all employees involved in oil transfer, or storage operations, are familiar with the manual provisions through regular training. Orientation materials

for new employees involved in oil transfer or storage operations shall contain a copy of the manual.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-100, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-110 Inspections. Ecology may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.56.410. During an inspection ecology may require the facility to provide proof of compliance by producing all required records, documents as well as demonstrating spill prevention equipment and procedures.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-110, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-120 Manual update timeline. (1) Ecology shall be notified in writing prior to any significant changes which could affect implementation of the manual.

(a) A significant change includes, but is not limited to:

(i) A change in the owner or operator of the facility;

(ii) A change in the types of oil handled at the facility;

(iii) A substantial change in the facility's oil-handling capacity;

(iv) Noncompliance with the federal Oil Pollution Act of 1990;

(v) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility technology, operations, or personnel procedures based on requirements of amended or new rules adopted by ecology; and

(vi) A change which would require that the operations manual be modified.

(b) If the change will reduce the facility's ability to implement the manual, the manual holder shall also provide a schedule for the return of the manual to full implementation capability.

(c) A facsimile will be considered written notice for the purposes of this section.

(d) Failure to notify ecology of significant changes shall be considered noncompliance with this chapter and subject to the provisions of WAC 173-180B-070.

(2) If ecology finds that, as a result of the change, the manual no longer meets approval criteria, the department may, at its discretion, place conditions on approval, or revoke approval. The department may also require the manual holder to amend its manual to incorporate the change.

(3) Within thirty calendar days of making a change to the operations manual, the facility owner or operator shall distribute the amended page(s) of the plan to ecology and other manual holders.

(4) Manuals shall be reviewed by ecology every five years. Manuals shall be submitted for reapproval unless the manual holder submits a letter requesting that ecology review the manual already in the department's possession. The manual holder shall submit the manual or such letter at least one hundred eighty calendar days in advance of the manual expiration date.

(5) Ecology may review a manual and require changes following any spill for which the manual holder is responsible.

(2007 Ed.)

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-120, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-130 Noncompliance with manual requirements. Any violation of this chapter may be subject to the enforcement sanctions of chapter 90.48 RCW.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-130, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-140 Severability. If any provision of this chapter is held invalid, the remainder of this rule is not affected.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-140, filed 5/4/94, effective 6/4/94.]

Chapter 173-180C WAC

FACILITY PERSONNEL OIL-HANDLING TRAINING AND CERTIFICATION

WAC

173-180C-010	Purpose.
173-180C-020	Authority.
173-180C-030	Definitions.
173-180C-040	Applicability.
173-180C-050	Training requirements.
173-180C-060	Certification program.
173-180C-070	Minimum criteria for certification programs.
173-180C-080	Program approval.
173-180C-090	Inspections.
173-180C-095	Noncompliance with requirements.
173-180C-098	Severability.

WAC 173-180C-010 Purpose. The purpose of this chapter is to establish onshore and offshore facility personnel oil-handling training and certification requirements which, when followed, will:

(1) Provide improved protection of Washington waters and natural resources by preventing oil spills caused by human factors;

(2) Ensure that key facility personnel involved in oil-handling operations are adequately trained and have demonstrated competency; and

(3) Establish certification that personnel are in compliance with training requirements.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-010, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-020 Authority. RCW 90.56.220 provides statutory authority for the personnel training and certification requirements established by this chapter.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-020, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-030 Definitions. (1) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(3) "Certification" means the documentation that a facility employee has met all requirements of an oil spill preven-

tion training and job competency program that meets the requirements of this chapter.

(4) "Department" means the state of Washington department of ecology.

(5) "Director" means the director of the state of Washington department of ecology.

(6) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that both:

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state, or while transferring oil to or from the rolling stock;

(ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that dispenses three thousand gallons or less of fuel in a single transaction to a ship other than a tank vessel, cargo vessel, or passenger vessel. Marine fuel outlets that dispense more than three thousand gallons of fuel to any vessel in a single transaction do not meet this exemption.

(8) "Gross ton" means a vessel's approximate volume as defined in Title 46, United States Code of Federal Regulations, Part 69.

(9) "Human factors" means human conditions, such as inadequate knowledge or fatigue, which can lead to incompetency or poor judgment.

(10) "Human factor risks" means risks of causing an oil spill due to the effects of human factors on competency and judgment.

(11) "Indirect operations" means involvement in on-site activities, such as new construction, in a capacity that indirectly involves the risk of an oil spill to waters of the state due to potential impacts to nearby oil-handling operations (e.g., operating digging equipment next to an active transfer pipeline).

(12) "Key" means a position with direct responsibility for performing or overseeing the transfer, storage, handling, or monitoring of oil at a facility, or a job function where typical human factors present the probability of a spill occurring.

(13) "Maintenance" means direct involvement in maintaining and repairing the equipment used for the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state.

(14) "Management" means direct involvement in managing the transfer, storage, handling, or monitoring of oil at a facility by setting operations policies and procedures that involve the risk of an oil spill to waters of the state.

(15) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(16) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through the use of facility personnel and best achievable technology. In determining what is the maximum extent practicable, the director shall consider, at a minimum, the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(17) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(18) "Offshore facility" means any facility, as defined in subsection (7) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(19) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil, including oil-contaminated ballast or bilge water. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(20) "Onshore facility" means any facility, as defined in subsection (7) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(21) "On-the-job training" means learning procedures and equipment use through observation of experienced and competent personnel, and supervised hands-on practice.

(22) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes but is not limited to the person-in-charge, storage tank operators, pipeline operators, and oil transfer monitors.

(23)(a) "Owner or operator" means:

(i) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(24) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(25) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(26) "Person-in-charge" means the individual identified as the person in charge of transfer operations as required under 33 C.F.R. 154.710.

(27) "Personnel" means individuals employed by, or under contract with, a facility.

(28) "Pipeline" means, for the purposes of subsection (7)(a)(i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (7)(a) of this section.

(29) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(30) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(31) "Supervisory" means involvement in directly supervising the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

(32) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(33) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 90.56.220, 93-01-089 (Order 91-64), § 173-180C-030, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-040 Applicability. Personnel oil-handling training and certification programs for onshore and offshore facilities must be developed, approved, and implemented, pursuant to requirements in this chapter.

[Statutory Authority: RCW 90.56.220, 93-01-089 (Order 91-64), § 173-180C-040, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-050 Training requirements. (1) Each onshore and offshore facility shall develop and implement oil spill prevention training for key supervisory, operations, maintenance, management, and indirect operations personnel identified pursuant to subsection (3) of this section. Training shall be designed, to the maximum extent practicable, to promote job competency and environmental awareness for the purpose of preventing oil spills. Non-English speaking personnel subject to the facility's training requirements shall be trained in a manner that allows comprehension by such personnel.

(2) Oil spill prevention training programs must be approved by the department pursuant to WAC 173-180C-080.

(3) The facility shall identify, in writing, the specific position titles which the facility has identified to be subject to its oil spill prevention training requirements. In making this determination, the facility shall evaluate the functions of facility personnel positions using the definitions of "key," "supervisory," "operations," "maintenance," "management," and "indirect operations" under WAC 173-180C-030. For cases where certain job titles associated with indirect operations can not be identified in advance, the facility shall identify

the types of job orders or work sites which may involve the need for indirect operations oil spill prevention training.

(4) The facility shall identify, in writing, the specific initial classroom and/or on-the-job oil spill prevention training requirements for each position, including minimum hours, that are appropriate for each position given the facility's training needs and human factor risks.

(5) Requirements for training of operations and supervisory personnel shall focus on building personnel competency in operating procedures and spill prevention systems specific to the facility. Oil spill prevention training requirements shall incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Operating procedures and checklists specific to trainee's job function;

(c) Problem assessment, including recognition of human factor risks and how they can be minimized;

(d) Awareness of preventative maintenance procedures;

(e) Awareness of local environmental sensitivity and oil spill impacts;

(f) Major components of facility's oil spill prevention plan;

(g) Major components of facility's operations manual;

(h) Major components of facility's oil spill contingency plan;

(i) Decision-making for abnormal operating events and emergencies, including emergency spill prevention and safe shut down conditions, responsibilities, and procedures;

(j) Routine and emergency communications procedures;

(k) Overview of applicable oil spill prevention and response laws and regulations; and

(l) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(6) Requirements for initial oil spill prevention training of management personnel shall incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Management role in operations and oil spill prevention;

(c) Recognition of human factor risks and how they can be minimized;

(d) Awareness of local environmental sensitivity and oil spill impacts;

(e) Major components of facility's oil spill prevention plan;

(f) Major components of facility's operations manual;

(g) Major components of facility's oil spill contingency plan;

(h) Decision-making for abnormal operating events and emergencies, including emergency spill prevention and safe shut down conditions, responsibilities, and procedures;

(i) Overview of applicable oil spill prevention and response laws and regulations; and

(j) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(7) Requirements for initial oil spill prevention training of maintenance personnel shall incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at applicable maintenance work sites within the facility;

(b) Equipment problem assessment and preventative maintenance procedures;

(c) Awareness of local environmental sensitivity and oil spill impacts;

(d) Major components of facility's oil spill prevention plan;

(e) Major components of facility's operations manual;

(f) Major components of facility's oil spill contingency plan;

(g) Emergency spill prevention and safe shut down conditions, responsibilities, and procedures;

(h) Overview of applicable oil spill prevention and response laws and regulations; and

(i) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(8) Requirements for initial oil spill prevention training of indirect operations personnel shall incorporate the following training topics at a minimum:

(a) Overview of oil handling, transfer, storage, and monitoring/leak detection operations at specific indirect operations work site within the facility;

(b) Awareness of local environmental sensitivity and oil spill impacts;

(c) Notification procedures for emergency spill prevention actions; and

(d) For facility employees, drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(9) Training topics identified in subsections (5) through (8) of this section, do not prescribe fixed subject titles for class outlines or training organization. Facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the applicable personnel training program.

(10) The facility shall identify, in writing, the specific oil spill prevention continuing education requirements for each affected position, including minimum hours, that are appropriate given the facility's training needs and human factor risks. Ongoing training shall occur at least annually, and at a minimum address:

(a) Any changes in the core topics identified in subsections (5) through (8) of this section, unless affected personnel have already been informed about the change after its occurrence;

(b) Refresher awareness training on environmental sensitivity and oil spill impacts;

(c) Review and analysis of oil spills which have occurred during the past year;

(d) Refresher training on emergency spill prevention procedures; and

(e) For key supervisory, operations, and management personnel, a practice exercise of the facility's procedures for preventing a spill during a particular abnormal operations event.

(11) Facilities are encouraged to apply or modify existing training programs required under federal Process Safety Management requirements (29 C.F.R. 1910), Coast Guard Person-in-charge requirements (33 C.F.R. 154.710), and

other federal/state training requirements in order to meet the above oil spill prevention training requirements.

(12) Existing personnel that have entered their current position prior to adoption of this chapter can be regarded as having met the facility's initial oil spill prevention training requirements if:

(a) The facility has documented that those personnel have received the required training in the past; or

(b) The facility attests in writing and in detail how those personnel have had on-the-job training or other experience equivalent to the facility's initial training requirements including type and frequency of past training when known.

(13) Facilities shall develop follow up remedial training for personnel clearly responsible for causing an oil spill while functioning in their position, unless such personnel no longer occupy a position identified under subsection (3) of this section.

(14) Contractors hired by the facility to perform key supervisory, operations, maintenance, management, or indirect operations functions, as identified by the facility under subsection (3) of this section, are considered "personnel" for the purposes of this chapter, and shall be subject to the same oil spill prevention training requirements as facility employees. The facility is responsible to validate that such contractors have met the facility's oil spill prevention training requirements before they perform a key supervisory, operations, maintenance, management, or indirect operations function.

(15) Facilities shall develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

(16) Facilities shall develop and maintain written oil spill prevention training materials, such as training manuals or checklists.

(17) Oil spill prevention training shall be documented, and records shall be kept at the facility in a central and accessible location for at least five years from the date of training completion.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-050, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-060 Certification program. (1) Each onshore and offshore facility shall develop and implement a program to certify that key supervisory and operations personnel identified pursuant to WAC 173-180C-050(3) have met the facility's oil spill prevention training program requirements, and are competent to perform the operations or supervisory functions associated with their position. The facility is not required to certify personnel other than key supervisory and operations personnel. The certification program shall be designed, to the maximum extent practicable, to ensure job competency and environmental awareness for the purpose of preventing oil spills.

(2) Certification programs must meet minimum criteria pursuant to WAC 173-180C-070.

(3) Certification programs must be approved by the department pursuant to WAC 173-180C-080.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-060, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-070 Minimum criteria for certification programs. (1) The facility oil spill prevention certification program shall address all key supervisory and operations personnel identified pursuant to WAC 173-180C-050(3).

(2) The facility shall develop and maintain written certification procedures, including:

(a) Minimum competency requirements to achieve certification;

(b) The process to develop and test competency in key supervisory and operations personnel;

(c) The process to issue and track certificates; and

(d) Policies regarding loss or lack of certified status.

(3) The facility shall maintain a written certificate or other record for supervisory and operations personnel which have met the facility's certification requirements. This record shall document:

(a) The certified individual's name and position;

(b) Types and hours of training completed;

(c) Name of trainer;

(d) Results of performance tests and evaluations; and

(e) Signatures of the trainee and trainer.

(4) Copies of certification records shall be kept at the facility in a central and accessible location for at least five years from the date of certification.

(5) The facility certification program shall incorporate methods to evaluate and confirm job competency, including:

(a) A written examination, or oral examination documented in writing, which tests general knowledge about training topics identified under WAC 173-180C-050(5), with an appropriate passing score established by the facility;

(b) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:

(i) Observation of performance of each oil handling, transfer, storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and

(ii) Practice exercises involving procedures to prevent a spill during abnormal operations events.

(6) The facility's program shall only provide for certification of an individual who has:

(a) Met the facility's oil spill prevention initial training requirements tied to the individual's position, as developed pursuant to WAC 173-180C-050(4); and

(b) Passed a competency evaluation developed under subsection (5) of this section.

(7) Recertification shall occur at least once every three years, based on:

(a) Successful completion of continuing education requirements; and

(b) Satisfactory performance in a reevaluation of competency as developed under subsection (5) of this section.

[Statutory Authority: RCW 90.56.220, 93-01-089 (Order 91-64), § 173-180C-070, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-080 Program approval. (1) Facilities must develop or modify their training and certification program to meet rule criteria, begin implementing the program, and if necessary, update the description of this program in their oil spill prevention plan pursuant to chapter 173-180D WAC requirements:

(a) Within twelve months from adoption of this rule, for facilities with combined pipeline and aboveground tank oil storage capacity of one million gallons or more; and

(b) Within eighteen months from adoption of this rule, for facilities with combined pipeline and aboveground tank oil storage capacity of less than one million gallons.

(2) Within six months from the date that facilities must meet rule criteria pursuant to subsection (1) of this section, the facility shall have conducted its certification procedures, as developed pursuant to WAC 173-180C-070(2), for all existing personnel that are subject to the facility's certification requirements and have entered their current position prior to adoption of this chapter.

(3) The department shall review the facility's training and certification program after the date that facilities must meet rule criteria pursuant to subsection (1) of this section. This review shall be accomplished by a general on-site inspection by the department through evaluation of the facility's training materials, testing records and certification records, and consultation with personnel.

(4) The department will notify facilities regarding approval status within thirty calendar days from completing inspections performed under subsection (2) of this section.

(5) Facilities that do not receive approval will have ninety calendar days to address deficiencies in their training and certification program, with options for a time extension based on the department's discretion. For those personnel that were trained or certified after the deadlines established in subsection (1) of this section but prior to program approval, retraining or recertification of such personnel due to changes required by the department's approval process can be postponed until the next retraining or recertification cycle as established by the facility pursuant to this chapter.

(6) Training and certification program approval is valid for five years. Significant changes to the facility's program must be documented through an update of the facility's prevention plan pursuant to chapter 173-180D WAC requirements. Minor upgrades in training and certification programs, such as expansion of training hours or updates to testing materials, are not required to be submitted to the department through a prevention plan update. The department may perform announced and unannounced inspections at facilities to verify compliance.

(7) A training and certification program shall be approved if, in addition to meeting criteria in WAC 173-180C-060 and 173-180C-070, it demonstrates that when implemented, it can, to the maximum extent practicable:

(a) Provide protection from human factor oil spill risks identified in the risk analysis required by WAC 173-180D-060(16);

(b) Minimize the likelihood that facility oil spills will occur and minimize the size and impacts of those facility oil spills which do occur;

(c) Provide effective oil spill prevention training to key supervisory, operations, maintenance, management, and indirect operations personnel;

(d) Ensure proper evaluation of job competency; and

(e) Provide an effective system to clearly document and track personnel training and certification.

(8) When reviewing programs, the department shall, in addition to the above criteria, consider the following at a minimum:

- (a) The volume and type of oil(s) handled by facility, and frequency of oil-handling operations;
- (b) Number of facility personnel;
- (c) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;
- (d) Inspection reports;
- (e) The presence of hazards unique to the facility, such as seismic activity or production processes; and
- (f) The sensitivity and value of natural resources that could be affected by a spill from the facility.

(9) The department may approve a program with an expedited review as set out in this section if that program has been approved by a federal agency or other state which the department has deemed to apply approval criteria which equal or exceed those of the department.

(10) If the program receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates pursuant to subsection (6) of this section.

(a) The department may conditionally approve a program by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the program are resubmitted and approved.

(i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) A facility shall have thirty calendar days after the department gives notification of conditional status to make the required changes, with the option for an extension at the department's discretion. Facilities which fail to meet conditional requirements or make required changes in the time allowed shall lose conditional approval status.

(b) If approval is denied or revoked, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The facility may be subject to penalties identified in WAC 173-180C-095.

(c) The department's decisions under this chapter are reviewable in superior court.

(d) Approval of a training and certification program by the department does not constitute an express assurance regarding the adequacy of the program nor constitute a defense to liability imposed under state law.

(11) The department shall prepare guidance material to aid department staff responsible for program review. This material shall be made available to facility staff and other interested parties. While the guidance manual will be used as a tool to conduct review of a program, the department will not be bound by the contents of the manual. Oil spill prevention training and test materials developed by the department for technical assistance purposes may be used to meet part of a facility's training and certification program requirements under this chapter.

(12) The department may review a program following any spill at the facility.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-080, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-090 Inspections. The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.48.090.

(1) During inspections, department staff may require appropriate facility personnel to demonstrate proof of training and certification.

(2) The department shall endeavor to provide a completed inspection report to the facility owner and operator within thirty calendar days from the inspection date.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-090, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-095 Noncompliance with requirements. Any violation of this chapter may be subject to enforcement and penalty sanctions of RCW 90.48.144 as amended by section 27, chapter 73, Laws of 1992. These penalties include a civil penalty of up to ten thousand dollars a day for every violation.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-095, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-098 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-098, filed 12/16/92, effective 1/16/93.]

Chapter 173-180D WAC FACILITY OIL SPILL PREVENTION PLAN STANDARDS

WAC

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WAC 173-180D-010 Purpose. The purpose of this chapter is to establish onshore and offshore facility oil spill prevention plan requirements which, when followed, will:

(1) Minimize the likelihood that facility oil spills will occur;

(2) Minimize the size and impacts of those facility oil spills which do occur;

(3) Facilitate coordination of local, state, regional, tribal, and other prevention and contingency plans;

(4) Provide improved protection of Washington waters and natural resources from the impacts of oil spills; and

(5) Emphasize that oil spill prevention is the top priority strategy for protecting Washington waters and natural resources from the impacts of oil spills.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-010, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-020 Authority. RCW 90.56.200, 90.56.300, and 90.56.310 provide statutory authority for the prevention plan preparation and review requirements established by this chapter.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-020, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-030 Definitions. (1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

- (a) The additional protection provided by the measures;
- (b) The technological achievability of the measures; and
- (c) The cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Department" means the state of Washington department of ecology.

(6) "Director" means the director of the state of Washington department of ecology.

(7) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(8)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that both:

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that dispenses three thousand gallons or less of fuel in a single transaction to a ship other than a tank vessel, cargo vessel, or passenger vessel. Marine fuel

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outlets that dispense more than three thousand gallons of fuel to any vessel in a single transaction do not meet this exemption.

(9) "Gross ton" means a vessel's approximate volume as defined in Title 46, United States Code of Federal Regulations, Part 69.

(10) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(11) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through the use of facility personnel and best achievable technology. In determining what is the maximum extent practicable, the director shall consider, at a minimum, the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(12) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(13) "Offshore facility" means any facility, as defined in subsection (8) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil, including oil-contaminated ballast or bilge water. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(15) "Onshore facility" means any facility, as defined in subsection (8) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(16)(a) "Owner or operator" means:

(i) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(17) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(18) "Person" means any political subdivision, government agency, municipality, industry, public or private corpo-

ration, copartnership, association, firm, individual, or any other entity whatsoever.

(19) "Pipeline" means, for the purposes of subsection (8)(a)(i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (8)(a) of this section.

(20) "Plan" means oil spill prevention plan.

(21) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(22) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(23) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(24) "Transporting" means, for the purposes of subsection (8)(b)(i) of this section, the act of moving oil over the highways or rail lines of this state, and the act of transferring oil to or from the rolling stock.

(25) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-030, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-040 Applicability. Oil spill prevention plans for onshore and offshore facilities must be prepared, submitted, and implemented, pursuant to requirements in this chapter.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-040, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-050 Plan preparation. (1) Each onshore and offshore facility shall prepare a plan for prevention of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural resources, and public or private property from oil spills.

(2) Plans shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(3) *Spill Prevention Countermeasure and Control Plans, Operation Manuals*, and other prevention documents which meet federal requirements under 33 C.F.R. 154, 33 C.F.R. 156, 40 C.F.R. 109, 40 C.F.R. 112, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if the department deems that such federal requirements equal or exceed those of the department, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(4) Plans which meet requirements of other states may be submitted to satisfy plan requirements under this chapter if the department deems that such state requirements equal or exceed those of the department, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(5) Prevention plans may be combined with contingency plans required by chapter 173-181 WAC.

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(6) Plans, when implemented, shall be designed to be capable of providing the best achievable protection from damages caused by the discharge of oil into the waters of the state. At a minimum, plans shall meet the criteria specified in this chapter.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-050, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-055 Plan format requirements. (1)

Plans shall be organized in a format which provides easy access to prevention information. Plans shall be divided into a system of chapters and sections. Chapters and sections shall be numbered and identified with a system of index tabs.

(2) Plans shall be formatted to allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire plan.

(3) If combined with a contingency plan, the prevention plan shall be clearly separated from contingency plan elements.

(4) Prevention plan content requirements specified in WAC 173-180D-060 are presented in suggested but not requisite order.

(5) Computerized plans, in addition to a hard copy, may be submitted to the department.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-055, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-060 Plan content requirements. (1)

Each plan shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of submitting party;

(b) Verifies acceptance of the plan by the owner or operator of the facility by either signature of the owner or operator or signature by a person with authority to bind the corporation which owns or operates the facility;

(c) Commits the owner or operator of the facility to execution of the plan, and verifies that the plan holder is authorized to make appropriate expenditures in order to execute plan provisions; and

(d) Includes the name, location, and address of the facility, type of facility, starting date of operations, types of oil(s) handled, and oil volume capacity.

(2) Each plan shall include a log sheet to record amendments to the plan. The log sheet shall be placed at the front of the plan. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that the department was notified of the amendment pursuant to WAC 173-180D-085, and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.

(3) Each plan shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(4) Each plan shall describe its purpose and scope, including but not limited to:

(a) The onshore facility or offshore facility operations covered by the plan;

(b) The relationship of the prevention plan to other oil spill plans and operation manuals held by the facility; and

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(c) The relationship of the plan to all applicable local, state, regional, tribal, and federal government prevention plans, including the Washington Statewide Master Oil and Hazardous Substance Spill Contingency Plan.

(d) Information required under facility oil spill contingency plan standards in WAC 173-181-050(4); spill prevention, countermeasure, and control plan standards in 40 C.F.R. 112.4(a); or facility operations manual standards in 33 C.F.R. 154.310(1-4) may be used to address (a) of this subsection.

(5) Each plan shall describe the procedures and time periods for updating the plan and distributing the plan and updates to appropriate parties.

(6) Each plan shall establish that the facility is in compliance with the Federal Oil Pollution Act of 1990. Within thirty calendar days after federal deadlines for facility requirements under that act, the plan shall be updated to include any applicable evidence of compliance.

(7) Within thirty calendar days after evidence of financial responsibility is required by rules adopted by the department pursuant to chapter 88.44 RCW, the plan shall be updated to include any applicable evidence of compliance.

(8) Each plan shall describe the types and frequency of spill prevention training provided to personnel. Within thirty calendar days after personnel certification is required by rules adopted by the department pursuant to RCW 90.56.220, the plan shall be updated to include any applicable evidence of compliance.

(9) Within thirty calendar days after submittal of an operations manual is required by rules adopted by the department pursuant to RCW 90.56.230, the plan shall be updated to include any applicable evidence of compliance.

(10) Each plan shall provide evidence that the facility has an approved oil spill contingency plan or has submitted a contingency plan to the department in accordance with standards and deadlines established by chapter 173-181 WAC.

(11) Each plan shall address the facility's alcohol and drug use awareness and treatment program for all facility personnel.

(a) The plan shall include at a minimum:

(i) Documentation of an alcohol and drug awareness program. The awareness program shall provide training and information materials to all employees on recognition of alcohol and drug abuse; treatment opportunities, including opportunities under the Alcohol and Drug Addiction Treatment and Support Act pursuant to chapter 388-40 WAC; and applicable company policies;

(ii) A description of the facility's existing drug and alcohol treatment programs; and

(iii) A description of existing provisions for the screening of supervisory and key employees for alcohol and drug abuse and related work impairment.

(b) Evidence of conformance with applicable federal "*Drug-Free Workplace*" guidelines or other federal or state requirements may be used to address (a) of this subsection.

(12) Each plan shall describe the facility's existing maintenance and inspection program.

(a) The description shall summarize:

(i) Frequency and type of all regularly scheduled inspection and preventive maintenance procedures for tanks; pipelines; other key storage, transfer, or production equipment,

including associated pumps, valves, and flanges; and over-pressure safety devices and other spill prevention equipment;

(ii) Integrity testing of storage tanks and pipelines, including but not limited to frequency; pressures used (including ratio of test pressure to maximum operating pressure, and duration of pressurization); means of identifying that a leak has occurred; and measures to reduce spill risk if test material is product;

(iii) External and internal corrosion detection and repair;

(iv) Damage criteria for equipment repair or replacement; and

(v) Any other aspect of the maintenance and inspection program.

(b) The plan shall include a current index of maintenance and inspection records of the storage and transfer facilities and related equipment.

(c) Documentation required under 40 C.F.R. 112.7(e) or 33 C.F.R. 154 Subparts C and D may be used to address elements of this subsection.

(d) Existing copies of the facility's maintenance and inspection records for the five-year period prior to plan submittal shall be maintained and shall be available for inspection if requested by the department. The plan shall document the use of a system to maintain such records over a five-year period for subsequent activity.

(13) Each plan shall describe spill prevention technology currently installed and in use, including:

(a) Tank and pipeline materials and design;

(b) Storage tank overflow alarms, low level alarms; tank overflow cut-off switches; automatic transfer shut-down systems; methods to alert operators; system accuracy; and tank fill margin remaining at time of alarm activation in terms of vertical distance, quantity of liquid, and time before overflow would occur at maximum pumping rate;

Documentation required under 40 C.F.R. 112.7 (e)(2)(viii) or 33 C.F.R. 154.310 (a)(12-13) may be used to address some or all of these elements;

(c) Leak detection systems for both active and nonactive pipeline conditions, including detection thresholds in terms of duration and percentage of pipeline flow; limitations on system performance due to normal pipeline events; and procedures for operator response to leak alarms;

Documentation required under 40 C.F.R. 112.7(e)(3) may be used to address some or all of these elements;

(d) Rapid pump and valve shutdown procedures, including means of ensuring that surge and over-pressure conditions do not occur; rates of valve closure; sequence and time duration (average and maximum) for entire procedure; automatic and remote control capabilities; and displays of system status for operator use;

Documentation required under 40 C.F.R. 112.7 (e)(3) may be used to address some or all of these elements;

(e) Methods to minimize of post-shutdown residual drain-out from pipes, including criteria for locating valves; identification of all valves (including types and means of operation) that may be open during a transfer process; and any other techniques for reducing drain-out;

(f) Means of relieving pressure due to thermal expansion of liquid in pipes during quiescent periods;

(g) Secondary containment, including capacity, permeability, and material design;

Documentation required under 40 C.F.R. 112.7 (e)(1) and (2)(iii-iv) may be used to address some or all of these elements;

(h) Internal and external corrosion control coatings and monitoring;

(i) Storm water and other drainage retention, treatment, and discharge systems, including maximum storage capacities and identification of any applicable discharge permits;

Documentation required under 40 C.F.R. 112.7 (e)(1) and (2)(iii and ix) may be used to address some or all of these elements; and

(j) Criteria for suspension of operations while leak detection or other spill control systems are inoperative.

(14) Each plan shall describe measures taken to ensure facility site security, including:

(a) Procedures to control and monitor facility access;

(b) Facility lighting (documentation required under 33 C.F.R. 154.570 may be used to address some or all of this element);

(c) Signage; and

(d) Right of way identification or other measures to prevent third-party damage (documentation required under 40 C.F.R. 112.7 (e)(3)(v) and (9) may be used to address some or all of this element).

(15) Each plan shall list any discharges of oil in excess of twenty-five barrels (one thousand fifty gallons) to the land or waters of the state which occurred during the five-year period prior to the plan submittal date. For each discharge, the plan shall describe:

(a) Quantity;

(b) Type of oil;

(c) Geographic location;

(d) Analysis of cause, including source(s) of discharged oil and contributing factors (e.g., third party human error, adverse weather, etc.); and

(e) Measures taken to remedy the cause and prevent a reoccurrence;

For the period between July 1, 1987, and January 1, 1993, the facility shall provide existing information regarding (a) through (e) of this subsection for such discharges, and shall document the use of a system to record complete information for subsequent discharges.

(16) Each plan shall include a detailed and comprehensive analysis of facility spill risks based on the information required in subsections (11) through (15) of this section, and other relevant information.

(a) The risk analysis shall:

(i) Evaluate the construction, age, corrosion, inspection and maintenance, operation, and oil spill risk of the transfer, production, and storage systems in the facility, including piping, tanks, pumps, valves, and associated equipment;

(ii) Evaluate spill minimization and containment systems within the facility;

(iii) Be prepared under the supervision of (and bear the seal of) a licensed professional engineer or another individual which the department has deemed to have an acceptable level of expertise.

(b) Documentation required under 40 C.F.R. 112.7 (b) and (e) may be used to address some or all of the elements of this subsection.

(17) Each plan shall describe how the facility will incorporate those measures that will provide best achievable protection to address the spill risks identified in the risk analysis required in subsection (16) of this section.

(a) Information documented pursuant to 40 C.F.R. 112.7(e) and 33 C.F.R. 154.310 may be used to address some or all of these elements of this subsection.

(b) Within six months after facility operation standards are adopted by rule by the department pursuant to RCW 90.56.220, the plan shall be updated to address how the facility will meet prevention standards and deadlines established by that rule.

(18) If the prevention plan is combined with a contingency plan, the prevention plan may incorporate information required in this section by reference if that information is provided in the contingency plan.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-060, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-065 Plan submittal. (1) Plans for onshore and offshore facilities shall be submitted to the department by January 1, 1993.

(2) Any onshore or offshore facility that first begins operating after the deadlines stated in subsection (1) of this section shall submit a plan to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the plan and appendices shall be delivered to:

Spill Management Section, Prevention Plan Review
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

(4) Onshore and offshore facility plans may be submitted by:

(a) The facility owner or operator; or

(b) A primary response contractor approved by the department pursuant to WAC 173-181-090, in conformance with signature requirements under WAC 173-180D-060(1).

(5) A single plan may be submitted for more than one facility, provided that the plan meets the requirements in this chapter for each facility listed.

(6) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-065, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-070 Plan review. (1) The department shall endeavor to review each plan in sixty-five calendar days. If the plan is submitted in conjunction with a contingency plan required under chapter 173-181 WAC, the department may extend the prevention plan review period an additional sixty-five calendar days. Upon receipt of a plan, the department shall evaluate promptly whether the plan is incomplete. If the department determines that a plan is incomplete, the submitter shall be notified of deficiencies. The review period shall not begin until the department receives a complete plan.

(2) The department shall regularly notify interested parties of any prevention plans which are under review by the

department, and make plans available for review by all department programs, other state, local, tribal, and federal agencies, and the public. The department shall accept comments on the plan from any interested party during the first thirty calendar days of review by the department.

(3) A plan shall be approved if, in addition to meeting criteria in WAC 173-180D-055 and 173-180D-060, it demonstrates that when implemented, it can:

(a) Provide best achievable protection from damages caused by the discharge of oil into the waters of the state;

(b) Minimize the likelihood that facility oil spills will occur;

(c) Minimize the size and impacts of those facility oil spills which do occur; and

(d) After the adoption of facility operation standards by rule by the department pursuant to RCW 90.56.220:

(i) Provide for compliance with prevention standards and deadlines established by facility operation standards adopted by rule by the department pursuant to RCW 90.56.220; and

(ii) Provide, to the maximum extent practicable, protection from oil spill risk factors identified in the risk analysis required by WAC 173-180D-060(16), for those risk factors not addressed by facility operation standards adopted by rule by the department pursuant to RCW 90.56.220.

(4) When reviewing plans, the department shall, in addition to the above criteria, consider the following at a minimum:

(a) The volume and type of oil(s) addressed by the plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(c) Inspection reports;

(d) The presence of hazards unique to the facility, such as seismic activity or production processes;

(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(f) Any pertinent local, state, tribal, federal agency, or public comments received on the plan.

(5) The department may approve a plan based upon an expedited review pursuant to criteria set out in this chapter, if that plan has been approved by a federal agency or other state which the department has deemed to apply approval criteria which equal or exceed those of the department.

(6) The department shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the plan has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates pursuant to WAC 173-180D-085(4).

(b) The department may conditionally approve a plan by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.

(i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) A plan holder shall have thirty calendar days after the department gives notification of conditional status to submit to the department and implement required changes, with the option for an extension at the department's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If plan approval is denied or revoked, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The facility shall not continue oil storage, transfer, production, or other operations until a plan for that facility has been approved.

(d) The department's decisions under this chapter are reviewable in superior court.

(e) If a plan holder demonstrates an inability to comply with an approved prevention plan or otherwise fails to comply with requirements of this chapter, the department may, at its discretion:

(i) Place conditions on approval pursuant to (b) of this subsection; or

(ii) Revoke its approval pursuant to (c) of this subsection.

(f) Approval of a plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(7) The department shall prepare a manual to aid department staff responsible for plan review. This manual shall be made available to plan preparers. While the manual will be used as a tool to conduct review of a plan, the department will not be bound by the contents of the manual.

(8) The department shall work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of prevention plans from marine facilities.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-070, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-075 Inspections. (1) The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.48.090.

(2) During inspections, department staff may require the plan holder to test operations of spill prevention technology installed in the facility.

(3) The department shall endeavor to provide a completed inspection report to the facility owner and operator within thirty calendar days from the inspection date.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-075, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-080 Plan maintenance and use. (1) Each facility covered by the plan shall conspicuously locate copies of the plan within the facility to ensure that a copy of the plan is immediately accessible to all facility personnel involved in supervising or implementing oil handling operations.

(2) Facilities shall ensure that all employees involved in oil transfer, production, or storage operations are familiar with the plan provisions through regular training. Orientation materials for new employees involved in oil transfer, production, or storage operations shall contain a copy of the plan.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-080, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-085 Plan update timeline. (1) The department shall be notified in writing as soon as possible and prior to completion of any significant change which could affect the plan. If the change will reduce the facility's ability to implement the plan, the plan holder shall also provide a schedule for the return of the plan to full implementation capability.

(a) A significant change includes, but is not limited to:

(i) A change in the owner or operator of the facility;

(ii) A change in the types of oil handled at the facility;

(iii) A five percent or greater change in the facility's oil handling capacity;

(iv) Noncompliance with the Federal Oil Pollution Act of 1990;

(v) Noncompliance with state financial responsibility requirements developed under chapter 88.44 RCW; and

(vi) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility equipment, operations, personnel procedures, or any other change, including compliance with amended or new rules adopted by the department, which substantially affects the level of risk described pursuant to WAC 173-180D-060(16).

(b) Changes which are not considered significant include, but are not limited to, minor variations (less than five percent) in oil handling capacity, maintenance schedules, and operating procedures, provided that none of these changes will increase the risk of a spill.

(c) The facility shall update the plan's list of discharges, as required by WAC 173-180D-060(15), within thirty calendar days after an oil discharge by the facility in excess of twenty-five barrels (one thousand fifty gallons).

(d) A facsimile will be considered written notice for the purposes of this subsection.

(e) Failure to notify the department of significant changes shall be considered noncompliance with this chapter and subject to provisions of WAC 173-180D-070 (6)(e).

(2) If the department finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 173-180D-070, the department may, at its discretion, place conditions on approval or revoke approval in accordance with WAC 173-180D-070 (6)(e). The department may also require the plan holder to amend its plan to incorporate the change.

(3) Within thirty calendar days of making a change to the prevention plan, the facility owner or operator shall distribute the amended page(s) of the plan to the department and other plan holders.

(4) Plans shall be reviewed by the department at least every five years pursuant to WAC 173-180D-070. Plans shall be submitted for reapproval unless the plan holder submits a letter requesting that the department review the plan already in the department's possession. The plan holder shall submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.

(5) The department may review a plan following any spill at the facility.

[Title 173 WAC—p. 398]

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-085, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-090 Noncompliance with plan requirements. (1) Any violation of this chapter may be subject to the enforcement and penalty sanctions of RCW 90.56.300 and 90.56.310.

(2) In addition to other penalties, the department may assess a civil penalty of up to one hundred thousand dollars against any person who violates this section. Each day that a facility or person violates this section shall be considered a separate violation.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-090, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-098 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-098, filed 7/8/92, effective 8/8/92.]

Chapter 173-181 WAC

FACILITY CONTINGENCY PLAN AND RESPONSE CONTRACTOR STANDARDS

WAC

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WAC 173-181-010 Purpose. The purpose of this chapter is to establish onshore and offshore facility oil spill contingency plan requirements and response contractor standards which, when followed, will:

(1) Maximize the effectiveness and timeliness of oil spill response by responsible parties and response contractors;

(2) Ensure readiness of equipment and personnel;

(3) Support coordination with state, federal, and other contingency plans; and

(4) Provide improved protection of Washington waters and natural resources from the impacts of oil spills.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-010, filed 11/5/91, effective 12/6/91.]

WAC 173-181-020 Authority. RCW 90.48.371, 90.48.372, 90.48.373, 90.48.374, 90.48.375, 90.48.376, 90.48.377, and 90.48.380, as recodified by section 1115, chapter 200, Laws of 1991, provide statutory authority for the contingency plan preparation and review requirements and response contractor standards established by this chapter.

(2007 Ed.)

[Statutory Authority: RCW 90.48.035, 91-22-087 (Order 91-12), § 173-181-020, filed 11/5/91, effective 12/6/91.]

WAC 173-181-030 Definitions. (1) "Average efficiency factor" means a factor used to estimate limitations of equipment efficiency from variables such as sea state, current velocity, or visibility.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are developed, or could feasibly be developed given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(5) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred or more gross tons, including but not limited to commercial fish processing vessels and freighters.

(6) "Department" means the state of Washington department of ecology.

(7) "Director" means the director of the state of Washington department of ecology.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that (both):

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a tank vessel, cargo vessel, or passenger vessel, in a single transaction.

(10) "Gross ton" means a vessel's approximate volume as defined under Title 46, United States Code of Federal Regulations, Part 69.

(11) "Interim storage site" means a site used to temporarily store recovered oil or oily waste until the recovered oil or oily waste is disposed of at a permanent disposal site. Interim storage sites include trucks, barges, and other vehicles used to store recovered oil or oily waste until transport begins.

(12) "Liquefied petroleum gas" means petroleum gas converted to a liquid state by pressure and cooling, including but not limited to natural gas, butane, and propane.

(13) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(14) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through staffing levels, training procedures, and best achievable technology. In determining what is the maximum extent practicable, the director shall consider the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Offshore facility" means any facility, as defined in subsection (9) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

(17) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(18) "Oily waste" means oil contaminated waste resulting from an oil spill or oil spill response operations.

(19) "Onshore facility" means any facility, as defined in subsection (9) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means:

(i) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(21) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Pipeline" means, for the purposes of subsection (9)(a)(i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (9)(a) of this section.

(24) "Plan" means oil spill response, cleanup, and disposal contingency plan.

(25) "Primary response contractor" means a response contractor that is directly responsible to a contingency plan holder, either by a contract or written agreement.

(26) "Response contractor" means an individual, organization, association, or cooperative that provides or intends to provide equipment and/or personnel for oil spill containment, cleanup, and/or removal activities.

(27) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(28) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(29) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(30) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(31) "Worst case spill" means:

(a) For an offshore facility, the largest possible spill considering storage, production, and transfer capacity complicated by adverse weather conditions (during which wind, reduced visibility, and sea state hinder but do not preclude normal response operations); or

(b) For an onshore facility, the entire volume of the largest above ground storage tank on the facility site complicated by adverse weather conditions (during which wind, reduced visibility, and sea state hinder but do not preclude normal response operations), unless the department determines that a larger volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-030, filed 11/5/91, effective 12/6/91.]

WAC 173-181-035 Applicability. (1) Oil spill response, cleanup, and disposal contingency plans must be prepared, submitted, and used pursuant to requirements in this chapter, for onshore and offshore facilities.

(2) Federal plans required under 33 C.F.R. 154, 40 C.F.R. 109, 40 C.F.R. 110, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if the department deems that such federal requirements possess approval criteria which equal or exceed those of the department.

(3) Response contractors must be approved by the department before they may serve as primary response contractors for an onshore or offshore facility contingency plan.

(4) For those sections of contingency plans which address liquified petroleum gases, the department may excuse plan holders from meeting requirements in this chap-

ter that are not applicable to spill response for liquified petroleum gases due to their physical properties.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-035, filed 11/5/91, effective 12/6/91.]

WAC 173-181-040 Plan preparation. (1) Each onshore and offshore facility shall prepare a contingency plan for the containment and cleanup of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural resources, and public or private property from such spills.

(2) Plans shall be in a form usable for oil spill control, containment, cleanup, and disposal operations and shall be capable of being located according to requirements in WAC 173-181-075.

(3) Plans shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(4) Plans shall be designed to be capable to the maximum extent practicable, when implemented, of promptly and properly removing oil and minimizing environmental damage from a variety of spill sizes, including small chronic spills, and worst case spills. At a minimum, plans shall meet the criteria specified in WAC 173-181-045 and 173-181-050; criteria are presented in suggested but not requisite order.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-040, filed 11/5/91, effective 12/6/91.]

WAC 173-181-045 Plan format requirements. (1) Plans shall be prepared using a combined narrative and graphic format which facilitates both the study of detailed spill response information and quick access to general information given emergency information needs and time constraints.

(2) Plans shall be divided into a system of chapters and appendices. Chapters and sections shall be numbered. Chapters should be reserved primarily for information on emergency response and cleanup operations, such as notification procedures or description of the spill response organization structure. Appendices should be used primarily for supplemental background and documentation information, such as response scenarios or description of drills and exercises.

(3) A system of index tabs shall be used to provide easy reference to particular chapters or appendices.

(4) Plans shall be formatted to allow replacement of chapter or appendix pages with revisions without requiring replacement of the entire plan.

(5) A simplified field document suitable for on-site use in the event of a spill and summarizing key notification and action elements of the plan shall also be prepared and submitted as part of the plan.

(6) Computerized plans may be submitted to the department in addition to a hard copy. Computerized plans, accompanied by a hard copy, may be used to meet the requirements of WAC 173-181-075.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-045, filed 11/5/91, effective 12/6/91.]

WAC 173-181-050 Plan content requirements. (1)

Each plan shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party;

(b) Verifies acceptance of the plan, including any incorporated contingency plans, by the owner or operator of the facility by either signature of the owner or operator or signature by a person with authority to bind the corporation which owns such facility;

(c) Commits execution of the plan, including any incorporated contingency plans, by the owner or operator of the facility, and verifies authority for the plan holder to make appropriate expenditures in order to execute plan provisions; and

(d) Includes the name, location, and address of the facility, type of facility, starting date of operations, types of oil(s) handled, and oil volume capacity.

(2) Each plan shall include a log sheet to record amendments to the plan. The log sheet shall be placed at the front of the plan. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that the department was notified of the amendment pursuant to WAC 173-181-080(3), and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.

(3) Each plan shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(4) Each plan shall describe the purpose and scope of that plan, including:

(a) The geographic area covered by the plan;

(b) The onshore facility or offshore facility operations covered by the plan; and

(c) The size of the worst case spill from the facility.

(5) Each plan shall describe the procedures and time periods corresponding to updates of the plan and distribution of the plan and updates to affected and interested parties.

(6) Each plan shall present a strategy to ensure use of the plan for spill response and cleanup operations pursuant to requirements in WAC 173-181-075.

(7) Each plan shall describe the organization of the spill response system, including all task assignments addressed by requirements of this section. This description shall identify the role of an incident commander or primary spill response manager, who shall possess the lead authority in spill response and cleanup decisions. The plan shall describe how a smooth transfer of the incident commander or primary spill response manager position between individuals will be accomplished. An organizational diagram depicting the chain of command shall also be included.

(8)(a) For each primary response contractor which a plan holder may or does rely on to perform or supplement its response operations within the geographic area covered by the plan, the plan shall state that contractor's name, address, phone number, or other means of contact at any time of the day, and response capability (e.g., land spills only). For each primary response contractor, the plan shall include a letter of intent signed by the primary response contractor which indicates the contractor's willingness to respond. Copies of writ-

ten contracts or agreements with primary response contractors shall be available for inspection, if requested by the department.

(b) If a plan holder is a member of an oil spill response cooperative and relies on that cooperative to perform or supplement its response operations within the geographic area covered by the plan, the plan shall state the cooperative's name, address, phone number, and response capability. The plan shall also include proof of cooperative membership.

(c) Plans which rely on primary response contractors shall rely only on primary response contractors approved by the department under WAC 173-181-090.

(9) Each plan shall briefly describe its relation to all applicable local, state, regional, and federal government response plans. Plans shall address how the plan holder's response organization will be coordinated with an incident command system utilized by state and federal authorities.

(10) Each plan shall list procedures which will be used to detect and document the presence and size of a spill, including methods which are effective during low visibility conditions. In addition, the plan shall describe the use, if any, of mechanical or electronic monitoring or alarm systems (including threshold sensitivities) used to detect oil discharges into adjacent land or water from tanks, pipes, manifolds, and other transfer or storage equipment.

(11) Each plan shall describe procedures which will be taken to immediately notify appropriate parties that a spill has occurred.

(a) The plan holder shall maintain a notification call out list which shall be available if requested by the department for inspection, and which:

(i) Provides a contact at any time of the day for all spill response personnel identified under subsection (7) of this section, including the contact's name, position title, phone number or other means of contact for any time of the day, and an alternate contact in the event the individual is unavailable;

(ii) Lists the name and phone number of all government agencies which must be notified in the event of an oil spill pursuant to requirements under RCW 90.48.360 as recodified by section 1115, chapter 200, Laws of 1991, and other state and federal requirements; and

(iii) Establishes a clear order of priority for immediate notification;

(b) The plan shall identify a central reporting office or individual who is responsible for implementing the call out process; and

(c) The plan shall utilize a system of categorizing incident type and severity. Plan holders are encouraged to utilize the system established by the department in the Washington statewide master oil and hazardous substance spill contingency plan as developed pursuant to RCW 90.48.378 as recodified by section 1115, chapter 200, Laws of 1991.

(12) Each plan shall describe the personnel (including contract personnel) available to respond to an oil spill, including:

(a) A job description for each type of spill response position needed as indicated in the spill response organization scheme addressed in subsection (7) of this section;

(b) The number of personnel available to perform each type of spill response position;

(c) Arrangements for prepositioning personnel at strategic locations which will meet criteria pursuant to WAC 173-181-065 (3)(d);

(d) The type and frequency of spill response operations and safety training that each individual in a spill response position receives to attain the level of qualification demanded by their job description; and

(e) The procedures, if any, to train and use volunteers willing to assist in spill response operations. Volunteer procedures for wildlife rescue shall comply with rules adopted by the Washington department of wildlife.

(13)(a) Each plan shall list the type, quantity, age, location, maintenance schedule, and availability of equipment used during spill response, including equipment used for oil containment, recovery, storage, and removal, shoreline and adjacent lands cleanup, wildlife rescue and rehabilitation, and communication.

(b) For equipment listed under (a) of this subsection that is not owned by or available exclusively to the plan holder, the plan shall also estimate the extent to which other contingency plans rely on that same equipment.

(c) For oil containment and recovery equipment, the plan also shall include equipment make and model, and the manufacturer's nameplate capacity of the response equipment (in gallons per minute), and applicable design limits (e.g., maximum wave height capability; inland waters vs. open ocean).

(d) Based on information described in (c) of this subsection, the plan shall state the maximum amount of oil which could be recovered per twenty-four-hour period.

(e) For purposes of determining plan adequacy under WAC 173-181-065, and to assess realistic capabilities based on potential limitations by weather, sea state, and other variables, the data presented in (c) and (d) of this subsection will be multiplied by an average efficiency factor of twenty percent. The department will apply a higher efficiency factor for equipment listed in a plan if that plan holder provides adequate evidence that the higher efficiency factor is warranted for particular equipment. The department may assign a lower efficiency factor to particular equipment listed in a plan if it determines that the performance of that equipment warrants such a reduction.

(f) The plan shall provide arrangements for prepositioning of oil spill response equipment at strategic locations which will meet criteria pursuant to WAC 173-181-065 (3)(d).

(14) Each plan shall describe the communication system used for spill notification and response operations, including:

(a) Communication procedures;

(b) The communication function (e.g., ground-to-air) assigned to each channel or frequency used; and

(c) The maximum geographic range for each channel or frequency used.

(15) Each plan shall describe the process to establish sites needed for spill response operations, including location or location criteria for:

(a) A central command post;

(b) A central communications post if located away from the command post; and

(c) Equipment and personnel staging areas.

(16)(a) Each plan shall present a flowchart or decision tree describing the procession of each major stage of spill

response operations from spill discovery to completion of cleanup. The flowchart or decision tree shall describe the general order and priority in which key spill response activities are performed.

(b) Each plan shall describe all key spill response operations in checklist form, to be used by spill response managers in the event of an oil spill.

(17)(a) Each plan shall list the local, state, and other government authorities responsible for the emergency procedures peripheral to spill containment and cleanup, including:

(i) Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(ii) Procedures to control ground and air traffic which may interfere with spill response operations; and

(iii) Procedures to manage access to the spill response site.

(b) Each plan shall describe the plan holder's role in these emergency operation procedures prior to the arrival of proper authorities.

(18) Each plan shall describe equipment and procedures to be used by the facility personnel to minimize the magnitude of the spill and minimize structural damage which may increase the quantity of oil spilled. Damage control procedures shall include methods to slow or stop pipeline, storage tank, and other leaks, and methods to achieve immediate emergency shutdown.

(19) Each plan shall describe, in detail, methods to contain spilled oil and remove it from the environment. Methods shall describe deployment of equipment and personnel, using diagrams or other visual aids when possible. Response methods covered must include:

(a) Surveillance methods used to detect and track the extent and movement of the spill;

(b) Methods to contain and remove oil in offshore waters;

(c) Methods to contain and remove oil in near-shore waters, including shoreline protection procedures and oil diversion/pooling procedures; and

(d) Methods to contain and remove oil, including surface oil, subsurface oil, and oiled debris and vegetation, from a variety of shoreline, adjacent land, and beach types.

(20) Each plan shall briefly describe initial equipment and personnel deployment activities which will accomplish the response standard listed in WAC 173-181-065 (3)(d), and provide an estimate of the actual execution time.

(21) If the plan holder will use dispersants, coagulants, bioremediants, or other chemical agents for response operations, conditions permitting, the plan shall describe:

(a) Type and toxicity of chemicals;

(b) Under what conditions they will be applied in conformance with all applicable local, state, and federal requirements, including the statewide master oil and hazardous substance spill contingency plan;

(c) Methods of deployment; and

(d) Location and accessibility of supplies and deployment equipment.

(22) If the plan holder will use in-situ burning for response operations, conditions permitting, the plan shall describe:

(a) Type of burning operations;

(b) Under what conditions burning will be applied in conformance with all applicable local, state, and federal requirements, including the statewide master oil and hazardous substance spill contingency plan;

(c) Methods of application; and

(d) Location and accessibility of supplies and deployment equipment.

(23) Each plan shall describe how environmental protection will be achieved, including:

(a) Protection of sensitive shoreline and island habitat by diverting or blocking oil movement;

(b) Priorities for sensitive area protection in the geographic area covered by the plan as designated by the department in environmentally sensitive area maps referenced in the statewide master oil and hazardous substance spill contingency plan;

(c) Rescue and rehabilitation of birds, marine mammals, and other wildlife contaminated or otherwise affected by the oil spill in compliance with rules adopted by the Washington department of wildlife; and

(d) Measures taken to reduce damages to the environment caused by shoreline and adjacent land cleanup operations, such as impacts to sensitive shoreline habitat by heavy machinery.

(24)(a) Each plan shall describe site criteria and methods used for interim storage of oil recovered and oily wastes generated during response and cleanup operations, including sites available within the facility. Interim storage methods and sites shall be designed to prevent contamination by recovered oil and oily wastes.

(b) If use of interim storage sites will require approval by local, state, or federal officials, the plan shall include information which could expedite the approval process, including a list of appropriate contacts and a brief description of procedures to follow for each applicable approval process.

(c) Each plan shall describe methods and sites used for permanent disposal of oil recovered and oily wastes generated during response and cleanup operations.

(d) Interim storage and permanent disposal methods and sites shall be sufficient to keep up with oil recovery operations and handle the entire volume of oil recovered and oily wastes generated.

(e) Interim storage and permanent disposal methods and sites shall comply with all applicable local, state, and federal requirements.

(25) Each plan shall describe procedures to protect the health and safety of oil spill response workers, volunteers, and other individuals on-site. Provisions for training, decontamination facilities, safety gear, and a safety officer position shall be addressed.

(26) Each plan shall explain post-spill review procedures, including methods to review both the effectiveness of the plan and the need for plan amendments. Post-spill procedures shall provide for a debrief of the department.

(27)(a) Each plan shall describe the schedule and type of drills and other exercises which will be practiced to ensure readiness of the plan elements, including drills which satisfy WAC 173-181-070(3).

(b) Tests of internal call out procedures shall be performed at least once every ninety calendar days and docu-

mented by the plan holder. Such tests are only required to involve notification, not actual deployment.

(28) Unless the plan holder has received approval for a prevention plan submitted pursuant to chapter 200, Laws of 1991, each onshore facility and offshore facility plan shall describe measures taken to reduce the likelihood that a spill will occur which exceed or are not covered by existing state and federal requirements, including:

(a) Type and frequency of personnel training on methods to minimize operational risks;

(b) Methods to ensure equipment integrity, including inspection and maintenance schedules;

(c) Methods to reduce spills during transfer operations, including overfill prevention; and

(d) Secondary containment for tanks, pipes, manifolds, or other structures used for storage or movement of oil other than liquefied petroleum gases.

(29) Each facility plan shall list the spill risk variables within the geographic area covered by the plan, including:

(a) Types, physical properties, and amounts of oil handled;

(b) A written description and map indicating site topography, storm water and other drainage systems, mooring areas, pipelines, tanks, and other oil processing, storage, and transfer sites and operations; and

(c) A written description of sites or operations with a history of or high potential for oil spills.

(30) Each plan shall list the environmental variables within the geographic area covered by the plan, including:

(a) Natural resources, including coastal and aquatic habitat types and sensitivity by season, breeding sites, presence of state or federally listed endangered or threatened species, and presence of commercial and recreational species (environmental variable information may be obtained directly from environmentally sensitive area maps referenced in the statewide master oil and hazardous substance spill contingency plan);

(b) Public resources, including public beaches, water intakes, drinking water supplies, and marinas;

(c) Seasonal hydrographic and climatic conditions; and

(d) Physical geographic features, including relative isolation of coastal regions, beach types, and other geological characteristics.

(31) Each plan shall list the logistical resources within the geographic area covered by the plan, including:

(a) Facilities for fire services, medical services, and accommodations; and

(b) Shoreline access areas, including boat launches.

(32)(a) Each plan shall describe detailed, plausible, step-by-step response scenarios for:

(i) A small oil spill less than five hundred gallons; and

(ii) A worst case spill as described in the plan pursuant to subsection (4)(c) of this section.

(b) Each scenario description shall include:

(i) The circumstances surrounding the spill, including size, type, location, climatic and hydrographic conditions, time, and cause;

(ii) An estimate of oil movement during the first seventy-two hours, including likely shoreline contact points; and

(iii) Estimates of response time and percent recovery for each major phase of operations.

(c) If a plan applies to multiple facilities, each scenario description shall discuss implementation of the plan in the event of simultaneous separate spills.

(33) Each plan shall include a glossary of technical terms and abbreviations used in the plan.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-050, filed 11/5/91, effective 12/6/91.]

WAC 173-181-060 Plan submittal. (1)(a) Plans for onshore facilities capable of storing one million gallons or more of oil, and offshore facilities shall be submitted to the department within six months after adoption of this chapter.

(b) All other onshore facilities shall submit plans to the department by January 1, 1993.

(2) Any onshore or offshore facility that first begins operating after the above deadlines shall submit a plan to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the plan and appendices shall be delivered to:

Spill Management Section,
Contingency Plan Review
Washington Department of Ecology
PV-11
P.O. Box 47600
Olympia, WA 98504-7600

(4) Onshore and offshore facility plans may be submitted by:

(a) The facility owner or operator; or

(b) A primary response contractor approved by the department pursuant to WAC 173-181-090, in conformance with requirements under WAC 173-181-050(1).

(5) A single plan may be submitted for more than one facility, provided that the plan contents meet the requirements in this chapter for each facility listed.

(6) The plan submitter may request that proprietary information be kept confidential under RCW 43.21B.160.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-060, filed 11/5/91, effective 12/6/91.]

WAC 173-181-065 Plan review. (1) The department shall endeavor to review each plan in sixty-five calendar days. Upon receipt of a plan, the department shall evaluate promptly whether the plan is incomplete. If the department determines that a plan is incomplete, the submitter shall be notified of deficiencies. The review period shall not begin until the department receives a complete plan.

(2) The department shall regularly notify interested parties of any contingency plans which are under review by the department, and make plans available for review to all department programs, other state, local, and federal agencies, and the public. The department shall accept comments from these interested parties on the plan during the first thirty calendar days of review by the department.

(3) A plan shall be approved if, in addition to meeting criteria in WAC 173-181-045 and 173-181-050, it demonstrates that when implemented, it can:

(a) To the maximum extent practicable, provide for prompt and proper response to and cleanup of a variety of spills, including small chronic spills, and worst case spills;

(b) To the maximum extent practicable, provide for prompt and proper protection of the environment from oil spills;

(c) Provide for immediate notification and mobilization of resources upon discovery of a spill;

(d) Provide for initial deployment of response equipment and personnel at the site of the spill within one hour of the plan holder's awareness that a spill has occurred given suitable safety conditions; and

(e) Use as primary response contractors, only those response contractors approved by the department pursuant to WAC 173-181-090.

(4) When reviewing plans, the department shall, in addition to the above criteria, consider the following:

(a) The volume and type of oil(s) addressed by the plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spill reports by department on-scene coordinators;

(c) The presence of operating hazards;

(d) The sensitivity and value of natural resources within the geographic area covered by the plan;

(e) Any pertinent local, state, federal agency, or public comments received on the plan;

(f) The extent to which reasonable, cost-effective spill prevention measures have been incorporated into the plan.

(5) The department may approve a plan without a full review as per provisions of this section if that plan has been approved by a federal agency or other state which the department has deemed to possess approval criteria which equal or exceed those of the department.

(6) The department shall prepare a manual to aid department staff responsible for plan review. This manual shall be made available to provide guidance for plan preparers. While the manual will be used as a tool to conduct review of a plan, the department will not be bound by the contents of the manual.

(7) The department shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the plan has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates.

(b)(i) The department may approve a plan conditionally by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.

(ii) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(iii) A plan holder shall have thirty calendar days after the department gives notification of conditional status to submit and implement required changes to the department, with the option for an extension at the department's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If plan approval is denied, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval. The facility shall not continue oil storage, transfer, production, or other operations until a plan for that facility has been approved.

(d) A plan holder may appeal the department's decision under WAC 173-04-010.

(e) If a plan holder demonstrates an inability to comply with an approved contingency plan or otherwise fails to comply with requirements of this chapter, the department may, at its discretion:

(i) Place conditions on approval pursuant to (b) of this subsection; or

(ii) Revoke its approval pursuant to (c) of this subsection.

(f) Approval of a plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(8) The department shall work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of contingency plans from marine facilities.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-065, filed 11/5/91, effective 12/6/91.]

WAC 173-181-070 Drills and inspections. (1) For the purpose of determining plan adequacy, the department may require a plan holder to participate in one unannounced full deployment drill annually. The department shall choose plan holders for such drills through a random process.

(2) The department may require a plan holder to participate in one announced, limited deployment drill annually. The department shall choose plan holders for such drills through a random process.

(3) Requirements under subsections (1) and (2) of this section may be met:

(a) By drills led by other state, local, or federal authorities if the department finds that the criteria for drill execution and review equal or exceed those of the department;

(b) By drills initiated by the plan holder, if the department is involved in participation, review, and evaluation of the drill, and if the department finds that the drill adequately tests the plan; and

(c) By responses to actual spill events, if the department is involved in participation, review, and evaluation of the spill response, and if the department finds that the spill event adequately tests the plan.

(4) The department may excuse a primary response contractor from full deployment participation in more than one drill, if in the past twelve months, the primary response contractor has performed to the department's satisfaction in a full deployment drill or an exercise listed in subsection (3) of this section.

(5) The department shall review the degree to which the specifications of the plan are implemented during the drill. The department shall endeavor to notify the facility owner or operator of the review results within thirty calendar days following the drill. If the department finds deficiencies in the plan, the department shall report those deficiencies to the plan holder and require the plan holder to make specific

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amendments to the plan pursuant to requirements in WAC 173-181-080.

(6) The department shall publish an annual report on plan drills, including a summary of response times, actual equipment and personnel use, recommendations for plan requirement changes, and industry response to those recommendations.

(7) The department may require the facility owner or operator to participate in additional drills beyond those required in subsections (1) and (2) of this section if the department is not satisfied with the adequacy of the plan during exercises or spill response events.

(8) The department may verify compliance with this chapter by unannounced inspections in accordance with RCW 90.48.090.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-070, filed 11/5/91, effective 12/6/91.]

WAC 173-181-075 Plan maintenance and use. (1) At least one copy of the plan shall be kept in a central location accessible at any time by the incident commander or spill response manager named in accordance with WAC 173-181-050(7). Each facility covered by the plan shall possess a copy of the plan and keep it in a conspicuous and accessible location.

(2) A field document prepared under WAC 173-181-045(5) shall be available to all appropriate personnel.

(3) A facility owner or operator shall implement the plan in the event of a spill. The facility owner or operator must receive approval from the department before it conducts any major aspect of the spill response contrary to the plan unless:

(a) Such actions are necessary to protect human health and safety;

(b) Such actions must be performed immediately in response to unforeseen conditions to avoid additional environmental damage; or

(c) The plan holder has been directed to perform such actions by the department or the United States Coast Guard.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-075, filed 11/5/91, effective 12/6/91.]

WAC 173-181-080 Plan update timeline. (1) The department shall be notified in writing as soon as possible and within twenty-four hours of any significant change which could affect implementation of the plan, including a substantial decrease in available spill response equipment or personnel. The plan holder shall also provide a schedule for the prompt return of the plan to full operational status. A facsimile will be considered written notice for the purposes of this subsection. Changes which are not considered significant include minor variations in equipment or personnel characteristics, call out lists, or operating procedures. Failure to notify the department of significant changes shall be considered noncompliance with this chapter and subject to provisions of WAC 173-181-065 (7)(e).

(2) If the department finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 173-181-065, the department may, in its discretion, place conditions on approval or revoke approval in accordance to WAC 173-181-065 (7)(e). Plan holders are encouraged to

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maintain back-up response resources in order to ensure that their plans can always be fully implemented.

(3) Within thirty calendar days of an approved change, the facility owner or operator shall distribute the amended page(s) of the plan to the department and other plan holders.

(4) Plans shall be reviewed by the department every five years pursuant to WAC 173-181-065. Plans shall be submitted for reapproval unless the plan holder submits a letter requesting that the department review the plan already in the department's possession. The plan holder shall submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.

(5) The department may review a plan following any spill for which the plan holder is responsible.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-080, filed 11/5/91, effective 12/6/91.]

WAC 173-181-085 Noncompliance with plan requirements. (1) Any violation of this chapter may be subject to the enforcement and penalty sanctions of RCW 90.48.376 as recodified by section 1115, chapter 200, Laws of 1991.

(2) The department may notify the secretary of state to suspend the business license of any onshore or offshore facility or other person that is in violation of this section. The department may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility or person is in violation of this section shall be considered a separate violation.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-085, filed 11/5/91, effective 12/6/91.]

WAC 173-181-090 Contractor standards. (1) Primary response contractors listed in an offshore or onshore facility contingency plan must be approved by the department. Response contractors which are listed in a contingency plan only as subcontractors to a primary response contractor do not have to be approved by the department.

(2) Primary response contractors shall be approved by the department subject to the following conditions:

(a) Equipment, equipment maintenance, and equipment and personnel deployment readiness must be verifiable by departmental inspection. Any resources not on site at the time of an inspection must be accounted for by company records. Approval of personnel readiness shall require capability of a one hour call out time in which personnel must be able to begin mobilization of response efforts. Equipment readiness shall include being available and able to be deployed to a spill site without delay, not counting normal maintenance and repairs;

(b) Response personnel shall comply with all appropriate safety and training requirements listed in WAC 296-62-300. Training records may be audited for verification; and

(c) Determination of an acceptable safety history by review of pertinent records on a case-by-case, best-professional-judgment basis. Lack of a safety history will not be grounds for denying approval.

(3) The department shall work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of primary response contractors.

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[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-090, filed 11/5/91, effective 12/6/91.]

WAC 173-181-092 Contractor approval information required. To apply for approval, contractors shall submit the following items to the department:

(1) Contractor's name, UBI number, address, and phone number;

(2) Response capability, including geographic area of response coverage, with any exclusions;

(3) The types of oil and media (e.g., marine, fresh water, or land) to which the contractor is willing and able to respond;

(4) An organizational diagram depicting chain of command;

(5) A call out list as described in WAC 173-181-050 (11)(a)(i);

(6) A list of all response equipment and personnel pursuant to WAC 173-181-050 (12)(a), (b), and (d) and (13)(a) and (c); and

(7) A list of all OSHA/WISHA citations and reports, lost-time accidents, and accident claims related to oil spill response operations for the last five years. Any applicant with less than five years under their current business name or organization shall provide a listing of any oil spill response contract businesses owned or operated by the principals in the new company within the last five years, including a brief description of the companies and their safety history information listed above.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-092, filed 11/5/91, effective 12/6/91.]

WAC 173-181-094 Submittal of contractor approval applications. (1) Three copies of the contractor's approval application shall be delivered to:

Spill Management Section,
Response Contractor Approval
Washington Department of Ecology
PV-11
P.O. Box 47600
Olympia, WA 98504-7600

(2) Applications may be submitted at any time after adoption of this chapter. If submitted with a contingency plan, the information required pursuant to WAC 173-181-092 shall be presented separately.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-094, filed 11/5/91, effective 12/6/91.]

WAC 173-181-096 Contractor application review.

(1) The department shall endeavor to review each application for primary response contractor approval in forty-five calendar days. Upon receipt of an application, the department shall evaluate promptly whether the application is incomplete. If the department determines that an application is incomplete, the submitter shall be notified of deficiencies. The forty-five day review period shall begin when the application is complete.

(2) An application shall be approved if it meets the conditions specified in WAC 173-181-090.

(2007 Ed.)

(3) The department shall endeavor to notify the applicant that the application has been approved/not approved within five working days after the review is completed.

(a) If the application is approved, the contractor shall receive a certificate of approval describing the terms of approval, including expiration dates.

(b) If the application is not approved, the contractor shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval. The contractor may not act as a primary response contractor for a facility contingency plan until approved by the department.

(c) A contractor may appeal the department's decision under WAC 173-04-010.

(d) Approval of a response contractor by the department does not constitute an express assurance regarding the adequacy of the contractor nor constitute a defense to liability imposed under state law.

(4) Response contractor approvals shall be reviewed by the department every two years pursuant to WAC 173-181-094. Reapproval applications shall be submitted sixty calendar days in advance of the approval expiration date.

(5) An approved contractor shall notify the department in writing as soon as possible and within twenty-four hours of any significant change in the information reported in the approval application, such as a substantial change in equipment ownership. A facsimile received by the department will be considered written notice for the purposes of this subsection. Failure to notify the department may result in loss of approval status. Upon notification, the department may review the approval of the primary response contractor pursuant to this section. If the department determines that approval conditions are no longer met, approval may be withdrawn.

[Statutory Authority: RCW 90.48.035, 91-22-087 (Order 91-12), § 173-181-096, filed 11/5/91, effective 12/6/91.]

WAC 173-181-098 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: RCW 90.48.035, 91-22-087 (Order 91-12), § 173-181-098, filed 11/5/91, effective 12/6/91.]

Chapter 173-182 WAC OIL SPILL CONTINGENCY PLAN

WAC

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PART I: PURPOSE, AUTHORITY, APPLICABILITY AND DEFINITIONS

WAC 173-182-010 Purpose. The purpose of this chapter is to establish covered vessel and facility oil spill contingency plan (Part II) and drill and equipment verification

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requirements (Part III), primary response contractor standards (Part IV) and recordkeeping and compliance information (Part V). The provisions of this chapter, when followed, should be implemented and construed so that they will:

- (1) Maximize the effectiveness and timeliness of oil spill response by plan holders and response contractors;
- (2) Ensure continual readiness, maintenance of equipment and training of personnel;
- (3) Support coordination with state, federal, and other contingency planning efforts; and
- (4) Provide for the protection of Washington waters, natural, cultural and significant economic resources by minimizing the impact of oil spills.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-010, filed 9/25/06, effective 10/26/06.]

WAC 173-182-015 Applicability. (1) This chapter applies to owners and operators of onshore and offshore facilities and covered vessels required to submit oil spill contingency plans under chapters 90.56 and 88.46 RCW.

(2) This chapter applies to Washington nonprofit corporations, their enrolled members, and agents that submit plans on behalf of onshore and offshore facilities and covered vessels.

(3) This chapter applies to response contractors that must be approved by ecology before they may serve as primary response contractors for a contingency plan.

(4) This chapter does not apply to public vessels as defined by this chapter, mobile facilities or to spill response vessels that are exclusively dedicated to spill response activities when operating on the waters of this state.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-015, filed 9/25/06, effective 10/26/06.]

WAC 173-182-020 Authority. RCW 88.46.060, 88.46.070, 88.46.080, 88.46.090, 88.46.100, 88.46.120, 88.46.160, 90.48.080, 90.56.050, 90.56.060, 90.56.210, 90.56.240, 90.56.270, 90.56.280, 90.56.310, 90.56.320, 90.56.340, and chapter 316, Laws of 2006, provide statutory authority for the contingency plan preparation and review requirements, drill and response contractor standards established by this chapter for onshore and offshore facilities and covered vessels.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-020, filed 9/25/06, effective 10/26/06.]

WAC 173-182-030 Definitions. (1) "Boom" means flotation boom or other effective barrier containment material suitable for containment, protection or recovery of oil that is discharged onto the surface of the water. Boom also includes the associated support equipment necessary for rapid deployment and anchoring appropriate for the operating environment. Boom will be classified using criteria found in the 2000 ASTM International F 1523-94 (2001) and ASTM International F 625-94 (Reapproved 2000), and the *Resource Typing Guidelines* found in chapter 13 of the 2000 Oil spill field operations guide.

(2) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to commercial fish processing vessels and freighters.

(4) "Cascade" means to bring in equipment and personnel to the spill location in a succession of stages, processes, operations, or units.

(5) "Contract or letter summarizing contract terms" means:

(a) A written contract between a plan holder and a primary response contractor or proof of cooperative membership that identifies and ensures the availability of specified personnel and equipment within stipulated planning standard times; or

(b) A letter that identifies personnel, equipment and services capable of being provided by the primary response contractor within stipulated planning standard times; acknowledges that the primary response contractor intends to commit the identified resources in the event of an oil spill.

(6) "Covered vessel" means a tank vessel, cargo vessel (including fishing and freight vessels), or passenger vessel required to participate in this chapter.

(7) "Dedicated" means equipment and personnel committed to oil spill response, containment, and cleanup that are not used for any other activity that would make it difficult or impossible for that equipment and personnel to provide oil spill response services in the time frames specified in this chapter.

(8) "Demise charter" means that the owner gives possession of the ship to the charterer and the charterer hires its own master and crew.

(9) "Director" means the director of the state of Washington department of ecology.

(10) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(11) "Dispersant" means those chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

(12) "Effective daily recovery capacity" (EDRC) means the calculated capacity of oil recovery devices that accounts for limiting factors such as daylight, weather, sea state, and emulsified oil in the recovered material.

(13) "Ecology" means the state of Washington department of ecology.

(14) "Facility" means:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that:

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(15) "Geographic Response Plans (GRP)" means response strategies published in the *Northwest Area Contingency Plan*.

(16) "Gross tons" means a vessel's approximate volume as defined under Title 46, United States Code of Federal Regulations, Part 69.

(17) "Incident command system (ICS)" means a standardized on-scene emergency management system specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.

(18) "In situ burn" means a spill response tactic involving controlled on-site burning, with the aid of a specially designed fire containment boom and igniters.

(19) "Interim storage" means a site used to temporarily store recovered oil or oily waste until the recovered oil or oily waste is disposed of at a permanent disposal site.

(20) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through staffing levels, training procedures, deployment and tabletop drills incorporating lessons learned, use of enhanced skimming techniques and other best achievable technology. In determining what the maximum extent practicable is, the director shall consider the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(21) "Mobilization" means the time it takes to get response resources readied for operation and ready to travel to the spill site or staging area.

(22) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(23) "Nondedicated" means those response resources listed by a primary response contractor for oil spill response activities that are not dedicated response resources.

(24) "Nonpersistent or group 1 oil" means a petroleum-based oil, such as gasoline, diesel or jet fuel, which evaporates relatively quickly. Such oil, at the time of shipment, consists of hydrocarbon fractions of which:

(a) At least fifty percent, by volume, distills at a temperature of 340°C (645°F); and

(b) At least ninety-five percent, by volume, distills at a temperature of 370°C (700°F).

(25) "*Northwest Area Contingency Plan (NWACP)*" means the regional emergency response plan developed in accordance with federal requirements. In Washington state, the NWACP serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060.

(26) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

(27) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(28) "Oily waste" means oil contaminated waste resulting from an oil spill or oil spill response operations.

(29) "Onshore facility" means any facility, as defined in subsection (14) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(30) "Operating environments" means the conditions in which response equipment is designed to function. Water body classifications will be determined using criteria found in the ASTM Standard Practice for Classifying Water Bodies for Spill Control Systems.

(31) "Owner" or "operator" means:

(a) In the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

(b) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(c) In the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

Operator does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(32) "Passenger vessel" means a ship of greater than three hundred gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(33) "Persistent oil" means petroleum-based oil that does not meet the distillation criteria for a nonpersistent oil. Persistent oils are further classified based on both specific and American Petroleum Institute (API) observed gravities corrected to 60°F, as follows:

(a) Group 2 - specific gravity greater than or equal to 0.8000 and less than 0.8500. API gravity less than or equal to 45.00 and greater than 35.0;

(b) Group 3 - specific gravity greater than or equal to 0.8500, and less than 0.9490. API gravity less than or equal to 35.0 and greater than 17.5;

(c) Group 4 - specific gravity greater than or equal to 0.9490 and up to and including 1.0. API gravity less than or equal to 17.5 and greater than 10.00; and

(d) Group 5 - specific gravity greater than 1.0000. API gravity equal to or less than 10.0.

(34) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm, individual, or any other entity whatsoever.

(35) "Pipeline" means a pipeline connected to a facility, and not owned or operated by the facility referred to in subsection (14) of this section.

(36) "Pipeline tank farm" means a facility that is linked to a pipeline but not linked to a vessel terminal.

(37) "Plan" means oil spill response, cleanup, and disposal contingency plan for the containment and cleanup of oil spills into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills as required by RCW 90.56.210 and 88.46.060.

(38) "Planning standards" means goals and criteria that ecology will use to assess whether a plan holder is prepared to respond to the maximum extent practicable to a worst case spill. Ecology will use planning standards for reviewing oil spill contingency plans and evaluating drills.

(39) "Primary response contractor (PRC)" means a response contractor that has been approved by ecology and is directly responsible to a contingency plan holder, either by a contract or other approved written agreement.

(40) "Public vessel" means a vessel that is owned, or demise chartered, and is operated by the United States government, or a government of a foreign country, and is not engaged in commercial service.

(41) "Regional response list" means a regional equipment list established and maintained by spill response equipment owners in the northwest area.

(42) "Resident" means the spill response resources are staged at a location within the described planning area.

(43) "Responsible party" means a person liable under RCW 90.56.370.

(44) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(45) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(46) "Spill assessment" means determining product type, potential spill volume, environmental conditions including tides, currents, weather, river speed and initial trajectory as well as a safety assessment including air monitoring.

(47) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(48) "Transmission pipeline" means a pipeline whether interstate or intrastate, subject to regulation by the United States Department of Transportation under 49 C.F.R. 195, as amended through December 5, 1991, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

(49) "Transfer site" means a location where oil is moved in bulk on or over waters of the state to or from a covered vessel by means of pumping, gravitation, or displacement.

(50) "Recovery system" means a skimming device, storage work boats, boom, and associated material needed such as pumps, hoses, sorbents, etc., used collectively to maximize oil recovery.

(51) "Umbrella plan" means a single plan that covers multiple vessels or facilities.

(52) "Vessel terminal" means a facility that is located on marine or river waters and transfers oil to or from a tank vessel.

(53) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(54) "Worst case spill" means:

(a) For an offshore facility, the largest possible spill considering storage, production, and transfer capacity complicated by adverse weather conditions; or

(b) For an onshore facility, the entire volume of the largest above ground storage tank on the facility site complicated by adverse weather conditions, unless ecology determines that a larger or smaller volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity; or

(c) For a vessel, a spill of the vessel's entire cargo and fuel complicated by adverse weather conditions; or

(d) For pipelines, the size of the worst case spill is dependent on the location of pump stations, key block valves, geographic considerations, or volume of the largest breakout tank. The largest volume determined from three different methods, complicated by adverse weather conditions:

(i) The pipeline's maximum time to detect the release, plus the maximum shutdown response time multiplied by the maximum flow rate per hour, plus the largest line drainage volume after shutdown;

(ii) The maximum historic discharge from the pipeline; and

(iii) The largest single breakout tank or battery of breakout tanks without a single secondary containment system. Each operator shall determine the worst case discharge and provide the methodology, including calculations, used to arrive at the volume.

(55) "WRIA" means a water resource inventory area as defined in chapter 173-500 WAC.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-030, filed 9/25/06, effective 10/26/06.]

PART II: COVERED VESSEL AND FACILITY OIL SPILL CONTINGENCY PLANS

Section A—General Planning, Information and Timing

WAC 173-182-110 Authority to submit contingency plan. (1) For tank vessels, a plan may be submitted by any of the following:

(a) The owner or operator of the tank vessel; or

(b) The owner or operator of the facilities at which the tank vessel will be unloading its cargo; or

(c) A Washington state nonprofit corporation established for the purpose of oil spill response and contingency plan coverage and of which the tank vessel owner or operator is a member; or

(d) A PRC contractually obligated to provide containment and cleanup services to the tank vessel company.

(2) For covered vessels other than tank vessels, a plan may be submitted by any of the following:

(a) The owner or operator of the covered vessel; or

(b) The agent for the covered vessel provided that the agent resides in this state; or

(c) A Washington state nonprofit corporation established for the purpose of oil spill response and contingency plan coverage and of which the covered vessel owner or operator is a member; or

(d) A PRC contractually obligated to provide containment and cleanup services to the covered vessel company.

(3) For facilities, a plan may be submitted by any of the following:

(a) The owner or operator of the facility; or

(b) A PRC contractually obligated to provide containment and cleanup services to the facility.

(4) One plan, or one umbrella plan, may be submitted for multiple covered vessels, and/or for multiple facilities, provided that the plan contents meet the requirements in this chapter for each covered vessel or facility.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-110, filed 9/25/06, effective 10/26/06.]

WAC 173-182-120 Submitting a contingency plan.

(1) Plan holders shall submit a plan to ecology no less than sixty-five days prior to the beginning of operations in Washington.

(2) The plan holder shall submit two copies of the plan and all appendices. However, if the plan and appendices are submitted with an acceptable use of electronic copy, the plan holder shall submit at least one paper copy.

(3) Once approved, plan holders shall resubmit their plans to ecology every five years for review and approval.

(4) The plans shall be delivered to:

Department of Ecology

Spill Prevention, Preparedness, and Response Program

Preparedness Section, Contingency Plan Review

Mailing address:

P.O. Box 47600

Olympia, WA 98504-7600

Physical Address:

300 Desmond Drive

Lacey, WA 98503

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-120, filed 9/25/06, effective 10/26/06.]

WAC 173-182-130 Phase in language. (1) This section applies to those plan holders who, on the effective date of this chapter, have approved or conditionally approved plans, and response contractors with approved applications.

(2) For existing approved facility plan holders:

(a) Plans holders for onshore facilities capable of storing one million gallons or more of oil shall submit a revised contingency plan to ecology six months after the effective date of this chapter; except, plan holders that received plan approval six months prior to the effective date of this chapter must submit a revised plan within twelve months of the effective date of this chapter. In submitting the revised plan, plan holders must include a compliance schedule describing how they will meet the requirements in WAC 173-182-310 through 173-182-440. Plan holders shall have eighteen months from the effective date of this chapter to reach compliance.

(2007 Ed.)

(b) All other onshore facilities shall submit revised plans to ecology within twelve months after the effective date of this chapter; except plan holders that received plan approval six months prior to the effective date of this chapter must submit a revised plan within eighteen months of the effective date of this chapter. In the revised plan, plan holders must include a compliance schedule describing how they will meet the requirements in WAC 173-182-310 through 173-182-440. Plan holders shall have twenty-four months from the effective date of this chapter to reach compliance.

(3) For existing approved vessel plan holders:

(a) Plan holders for tank vessels submit a revised contingency plan to ecology six months after the effective date of this chapter; except plan holders that received plan approval six months prior to the effective date of this chapter must submit a revised plan within twelve months of the effective date of this chapter. In the revised plan, plan holders must include a compliance schedule describing how they will meet the requirements in WAC 173-182-310 through 173-182-440. Plan holders shall have eighteen months from the effective date of this chapter to reach compliance.

(b) All other covered vessels shall submit revised plans to ecology within twelve months after the effective date of this chapter; except plan holders that received plan approval six months prior to the effective date of this chapter must submit a revised plan within eighteen months of the effective date of this chapter. In the revised plan, plan holders must include a compliance schedule describing how they will meet the requirements in WAC 173-182-310 through 173-182-440. Plan holders shall have twenty-four months from the effective date of this chapter to reach compliance.

(4) PRCs shall submit new applications to ecology within twelve months.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-130, filed 9/25/06, effective 10/26/06.]

WAC 173-182-140 Plan maintenance and reporting obligations. (1) At least once annually, plan holders shall review the plan for accuracy and either:

(a) Update and distribute the amended page(s) of the plan to ecology for review and approval; or

(b) If no plan changes are needed, send a letter to ecology confirming that the existing plan is still accurate.

(2) If there is a temporary, significant change to response readiness, the plan holder shall notify ecology in writing within twenty-four hours and provide a schedule for the prompt return of the plan to full operational status. Changes which are considered significant include loss of equipment that affects the planning standards provided in the plan, or permanent loss of initial response personnel listed in command and general staff ICS positions provided in the plan or changes in normal operating procedures. A facsimile or electronic mail will be considered sufficient written notice.

(3) Failure to notify ecology of significant changes shall be considered noncompliance with this chapter.

(4) If the change to the plan is permanent, the plan holder then shall have thirty calendar days to distribute the amended page(s) of the plan to ecology for review.

(5) If ecology finds that, as a result of a change, the plan no longer meets approval criteria; ecology may place conditions on approval or revoke approval of the plan.

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[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-140, filed 9/25/06, effective 10/26/06.]

WAC 173-182-145 Plan implementation procedures.

(1) Every plan holder, including each person whose vessel or facility enrolls in coverage under an umbrella plan, is required to implement the Washington approved plan throughout the response to a spill and drill. A decision to use a different plan must first be approved by the state and federal on-scene coordinators.

(2) Approval from ecology must be received before any significant aspect of the spill response is conducted in a manner contrary to the plan unless:

(a) Such actions are necessary to protect human health and safety; or

(b) Such actions must be performed immediately in response to unforeseen conditions to avoid additional environmental damage; or

(c) State and federal on-scene coordinators have directed such actions.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-145, filed 9/25/06, effective 10/26/06.]

WAC 173-182-150 Post-spill review and documentation procedures. Plan holders are required to conduct post-spill review procedures to review both the effectiveness of the plan and make plan improvements. Debriefs with ecology and other participating agencies and organizations may be appropriate if: Unified command has been established during a spill; and are required when significant plan updates are identified or significant lessons can be recorded and implemented.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-150, filed 9/25/06, effective 10/26/06.]

Section B—Contingency Plan Format and Content

WAC 173-182-210 Contingency plan format requirements. (1) Plan holders shall format and maintain plans to maximize their usefulness during a spill. Information shall be readily accessible and plans will contain job aids, diagrams and checklists for maximum utility.

(2) Plans shall be divided into a system of numbered, tabbed chapters, sections and annexes/appendices. Each plan shall include a detailed table of contents based on chapter, section, and annex/appendix numbers and titles, as well as tables and figures.

(3) Plans shall be formatted to allow replacement of pages with revisions without requiring replacement of the entire plan.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-210, filed 9/25/06, effective 10/26/06.]

WAC 173-182-220 Binding agreement. (1) Each plan shall contain a written statement binding the plan holder to its use. Form number ECY 070-217 may be used. The binding agreement shall be signed by the owner or operator, or a designee with authority to bind the owners and operators of the facility or vessel covered by the plan. The agreement is submitted with the plan and will include the name, address,

phone number, and if appropriate the e-mail address, and web site of the submitting party.

(2) In the statement, the signator will:

(a) Verify acceptance of the plan and commit to a safe and immediate response to spills in Washington;

(b) Commit to having an incident commander in the state within six hours after notification of a spill;

(c) Commit to the implementation and use of the plan during a spill, and to the training of personnel to implement the plan; and

(d) Verify authority and capability of the plan holder to make necessary and appropriate expenditures in order to implement plan provisions.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-220, filed 9/25/06, effective 10/26/06.]

WAC 173-182-230 Contingency plan general content. (1) Contingency plans must include all of the content in this section.

(2) In Washington state, the NWACP serves as the state-wide master oil and hazardous substance contingency plan required by RCW 90.56.060. Plan holders shall write plans that refer to and are consistent with the NWACP.

(3) All contingency plans must include the following:

(a) Each plan shall state the federal or state requirements intended to be met by the plan.

(b) Each plan shall state the size of the worst case spill.

(i) For transmission pipelines, more than one worst case spill volume for different line sections on the entire pipeline may be submitted to ecology for consideration.

(ii) For vessel umbrella plans, a worst case volume for each port of operation may be submitted to ecology for consideration, if the operations of enrolled vessels differ by port.

(iii) For multiple facilities using a single umbrella plan, separate worst case spill volumes are required for each facility.

(c) Each plan shall have a log sheet to record revisions and updates to the plan. The log sheet shall identify each section amended, including the date of the amendment, verification that ecology was notified and the name of the authorized person making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed as an amendment letter to be inserted in the plan immediately after the log sheet.

(d) Each plan shall have a cross-reference table reflecting the locations in the plan of each component required by this chapter.

(e) Each plan shall have the PRC's name, address, phone number, or other means of contact at any time of the day.

(i) A contract or letter summarizing the terms of the contract signed by the PRC, shall be included in the plan.

(ii) If the contract is not submitted, that document shall be available for inspection, if requested by the department.

(iii) For mutual aid agreements that a plan holder relies on to meet the planning standards, the plan shall include a copy of the agreement and describe the terms of that document in the plan.

(iv) If a plan holder relies on a PRC or other contractor to staff ICS positions for the spill management team, then the commitment must be specified in writing.

(f) Each plan must contain the procedures to track and account for the entire volume of oil recovered and oily wastes generated and disposed of during spills. The responsible party must provide these records to ecology upon request.

(4) Additional facility plan content.

Facility plans shall include:

- (a) The name, location, type and address of the facility;
- (b) Starting date of operations;
- (c) Description of the operations covered by the plan;
- (i) List the oil handling operations that occur at the facility location.

- (ii) List by group and amount the oil handled.

- (iii) Include a written description and map indicating site topography, storm water and other drainage systems, mooring areas, pipelines, tanks, and other oil processing, storage, and transfer sites and operations.

- (iv) A description of the geographic area that could be impacted from a spill at the location based on a forty-eight hour worst case spill trajectory analysis.

(5) Additional vessel plan content:

- (a) Name of each vessel covered under the plan;
- (b) The name, location, and address of the owner or operator;
- (c) Official identification code or call sign;
- (d) Country of registry;
- (e) All ports of call or areas of expected operation in Washington waters;
- (f) Type of oil(s) handled (group);
- (g) Oil volume capacity by group;
- (h) Description of the operations covered by the plan.

Include a written description and diagram indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil storage and transfer sites and operations.

(6) Special exemptions for vessel umbrella plans shall, at a minimum, include the following:

- (a) In lieu of providing vessels names, call signs and country of registry, vessel umbrella plan holders shall maintain accurate enrollment or member lists with vessel specific information provided by covered vessels and shall make the information available to ecology upon request.

- (b) Umbrella plans for vessels shall include a list of the types of vessels and the typical oil types by group and volumes. In addition, vessel diagrams indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil storage and transfer sites and operations shall be available for inspection by ecology. The procedure for the plan holder to acquire vessel diagrams needs to be documented in the plan.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-230, filed 9/25/06, effective 10/26/06.]

WAC 173-182-240 Field document. (1) Each plan shall contain a field document which lists time critical information for the initial emergency phase of a spill. The owner or operator of the covered vessel or facility shall make the field document available to personnel who participate in oil handling operations and shall keep the field document in key locations at facilities, docks, on vessels and in the plan. The locations where field documents are kept must be listed in the plan, provided that vessel umbrella plan holders shall not be subject to enforcement if the owner or operator of an enrolled

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vessel fails to keep the field documents in the location specified in the plan.

Umbrella vessel plans shall include procedures to ensure each vessel covered by the plan is provided the field document prior to entering Washington waters. This can include by electronic means.

(2) At a minimum, the field document shall contain:

- (a) A list of the procedures to detect, assess and document the presence and size of a spill;

- (b) Spill notification procedures and a call out list that meets the requirements in WAC 173-182-260; and

- (c) A checklist that identifies significant steps used to respond to a spill, listed in a logical progression of response activities.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-240, filed 9/25/06, effective 10/26/06.]

WAC 173-182-250 Initial response actions. (1) Plan holders and responsible parties are required to document their initial spill actions and the plan shall include the forms that will be used for such documentation.

(2) The plan shall describe what equipment will be used to conduct initial spill assessment, including equipment effective during darkness and low visibility conditions, such as visual methods, tracking buoys, trajectory modeling, aerial overflights, thermal or infrared imagery.

(3) The plan must state how safety assessment including initial air monitoring will be conducted for all types of spills, including spills to groundwater.

(4) The plan must list procedures that will be used to confirm the occurrence, and estimate the quantity and nature of the spill. An updated report is required if the initially reported estimated quantity or the area extent of the contamination changes significantly.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-250, filed 9/25/06, effective 10/26/06.]

WAC 173-182-260 Notification and call-out procedures. (1) Each plan shall include procedures which will be taken to immediately notify appropriate parties that a spill has occurred. The plan shall identify the central reporting office or individuals responsible for implementing the notification process.

(2) Each plan shall include a list of the names and phone numbers of required notifications to government agencies, response contractors and spill management team members, except that the portion of the list containing internal call down information need not be included in the plan, but shall be available for review by ecology upon request and verified during spills and drills.

(3) The procedure shall establish a clear order of priority for immediate notification.

(4) In addition, facility plans shall also address how notifications will be made to required government agencies for spills to ground or into permeable secondary containment, and threatened or confirmed spills to ground water.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-260, filed 9/25/06, effective 10/26/06.]

WAC 173-182-270 Maintenance records for response equipment. (1) Plan holders and PRCs are required to maintain response equipment in a state of constant readiness, and in accordance with manufacturer specifications.

(2) Plan holders and PRCs that own equipment shall develop schedules, methods, and procedures for equipment maintenance. Maintenance records shall be kept for at least five years and made available if requested by ecology.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-270, filed 9/25/06, effective 10/26/06.]

WAC 173-182-280 Spill management teams. (1) Each plan shall contain information on the personnel (including contract personnel) who will be available to manage an oil spill response. To meet the requirement, the plan shall include:

(a) An organizational diagram depicting the chain of command for the spill management team for a worst case spill.

(b) For the purpose of ensuring depth of the spill management team, an organization list of one primary and one alternate person to lead each ICS spill management position down to the section chief and command staff level as depicted in the NWACP standard ICS organizational chart. In lieu of being placed in the plan, this list may be maintained at the plan holder's office and be made available to ecology upon request. If a response contractor is used to fill positions, they must agree in writing to staff the positions. The capacity and depth of spill management teams will be evaluated in drills and spills.

(c) A job description for each spill management position; except if the plan holder follows without deviation the job descriptions contained in the NWACP. If the job descriptions are consistent with the NWACP, then the plan holder may reference the NWACP rather than repeat the information.

(d) A detailed description of the planning process which will be used to manage a spill. If the process is consistent with the NWACP then the plan holder may reference the NWACP rather than repeat the information.

(2) The plan shall address the type and frequency of training that each individual listed in subsection (1)(b) of this section receives. The training program at a minimum shall include as applicable ICS, NWACP policies, use and location of GRPs, the contents of the plan and worker health and safety. The training program shall include participation in periodic announced and unannounced exercises and participation should approximate the actual roles and responsibilities of the individual specified in the plan. New employees shall complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

(3) Covered vessel plan holders shall identify a primary and alternate incident commander's representative that can form unified command at the initial command post, and if located out-of-state, a primary and alternate incident commander that could arrive at the initial command post within six hours. The plan shall include estimated time frames for arrival of the remainder of the spill management team to the spill site, or at the incident command post as appropriate.

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(4) The plan shall list a process for orderly transitions of initial response staff to incoming local, regional or away team personnel, including transitions between shift changes.

(5) Covered vessel umbrella plans must describe the transition from umbrella plan personnel to the vessel owner or operator's team.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-280, filed 9/25/06, effective 10/26/06.]

Section C—Planning Standards

WAC 173-182-310 Planning standards. (1) Ecology shall apply a planning standard when determining the ability of a plan holder to meet the purposes of these regulations. Each planning standard is subject to being verified at scheduled or unannounced drills. In an actual spill event, initial deployment shall be guided by safety considerations. The responsible party must address the entire volume of an actual spill regardless of the planning standards.

(2) The planning standards described in this chapter do not constitute cleanup standards that must be met by the holder of a contingency plan. Failure to remove a discharge within the time periods set out in this section does not constitute failure to comply with a contingency plan for purposes of this section or for the purpose of imposing administrative, civil, or criminal penalties under any other law.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-310, filed 9/25/06, effective 10/26/06.]

WAC 173-182-315 Planning standards for nondedicated work boats and operators. Each plan holder shall plan to obtain nondedicated work boats and operators that will be available to deploy GRPs, enhance skimming, to provide platforms as vessel of opportunity skimming systems, logistical support or other uses during a spill. At a minimum, the plan shall describe a plan that will support the worst case spill response with work boats and operators that could have arrived on scene beginning at forty-eight hours.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-315, filed 9/25/06, effective 10/26/06.]

WAC 173-182-320 Planning standards for aerial surveillance. Each plan shall provide for aerial oil tracking resources capable of being on-scene within six hours of spill awareness. At a minimum, these resources must be capable of supporting oil spill removal operations for three, ten-hour operational periods during the initial seventy-two hours of the discharge.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-320, filed 9/25/06, effective 10/26/06.]

WAC 173-182-325 Planning standards for dispersants. (1) Plan holders with vessels carrying group II or III persistent oil as a primary cargo that transit in any area where preapproval or case-by-case use of dispersants is available as per the NWACP, must plan for the use of dispersants.

(2) The plan holder must identify the locations of dispersant stockpiles capable of dispersing the lesser of five percent of the worst case spill volume or twelve thousand barrels per day, using a dispersant to oil ratio of one to twenty.

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(3) The plan holder must describe the methods of transporting equipment and supplies to a staging area, and appropriate aircraft or vessels to apply the dispersant and monitor its effectiveness.

(4) These resources must be capable of being on scene within twelve hours of spill awareness.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-325, filed 9/25/06, effective 10/26/06.]

WAC 173-182-330 Planning standards for in situ burning. (1) Based on the NWACP, plan holders operating in areas where in situ burning has an expedited approval process must plan for the use of in situ burning.

(2) The plan holder must identify the locations of two fire booms, air monitoring equipment, igniters and aircraft or vessels to be used to deploy the igniters.

(3) The fire booms must be five hundred feet in length each and have an additional one thousand feet of conventional boom, tow bridles and work boats capable of towing the boom for burning operations.

(4) The plan holder must describe the methods of transporting the equipment to a staging area, and appropriate aircraft or vessels to monitor its effectiveness at the scene of an oil discharge.

(5) These resources must be capable of being on scene within twelve hours of spill awareness.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-330, filed 9/25/06, effective 10/26/06.]

WAC 173-182-335 Planning standards for storage. Plan holders shall identify both on-water devices and shore-side interim storage locations. For marine waters, shoreside storage can be identified to meet fifty percent of storage requirements in the tables below, if the plan holders can demonstrate that recovered oil can be transported to the shoreside storage. For freshwater environments, shoreside storage can be identified to meet sixty-five percent of the storage requirements in the tables below, if the plan holders can demonstrate that recovered oil can be transported to the shoreside storage.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-335, filed 9/25/06, effective 10/26/06.]

WAC 173-182-345 Determining effectiveness of recovery systems. Plan holders and PRCs that own equipment shall provide information for ecology to determine the effectiveness of the recovery systems and how the equipment meets the planning standards. To avoid duplication, plan holders relying upon a PRC to meet the necessary planning standards may reference the information submitted in the PRC's application, as approved by the department. Ecology will use the criteria in ASTM International F 1780-97 (Reapproved 2002).

Determination of efficiency of recovery systems in varied operating environments and product types:

(1) For all skimmers, describe how the device is intended to be transported and deployed. List the boom and work boats associated with each water based skimming system. Identify the pumps and pumping capacity that will be used to transfer product to storage devices.

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(2) For all oil recovery systems that rely on a vessel of opportunity or nondedicated transport asset, include a statement on how the asset would be located and secured. Include in the plan the mobilization time needed to ensure the assets are available, as well as the time needed to set up the oil recovery system, and the personnel that will be used in the operations. This may require longer mobilization time than those found in this chapter.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-345, filed 9/25/06, effective 10/26/06.]

WAC 173-182-348 Determining effective daily recovery capacity. (1) Plan holders and PRCs that own recovery equipment shall request an EDRC using the following procedures and the criteria in Title 33 CFR 155, Appendix B, Section 6, "Determining Effective Daily Recovery Capacity for Oil Recovery Devices."

(2) When calculating the EDRC, the formula $R = T \times 24 \text{ hours} \times E$ will be used.

R = Effective daily recovery capacity

T = Throughput rate in barrels per hour (nameplate capacity)

E = 20 percent (efficiency factor).

(3) Equipment owners may request an alternative EDRC by providing all of the following information:

(a) A description of the recovery system which includes skimmer, boom, pump, work boats, and storage associated with the device;

(b) Description of deployment methods that will be used to enhance the recovery system to maximize oil encounter rate during spills;

(c) Documented performance during verified spill incidents; and

(d) Documentation of laboratory testing using ASTM standard methods (ASTM F 631-80) or equivalent test approved by the U.S. Coast Guard.

(4) The following formula will be used to calculate the effective daily recovery capacity for this alternative approach:

$R = D \times U$

R = Effective daily recovery capacity

D = Average oil recovery throughput rate in barrels per hour

U = 10 (hours of operation). 10 hours is used for potential limitations due to available daylight, weather, sea state, and percentage of emulsified oil in the recovered material.

EDRC is limited to the storage capacity of the proposed recovery system.

For each skimming system identify the oil storage associated with each recovery system. State the storage capacity integral to the oil recovery system, if applicable. Describe how recovered oil is to be transported to/from interim storage.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-348, filed 9/25/06, effective 10/26/06.]

WAC 173-182-350 Documenting compliance with the planning standards. The plan holder shall describe how the planning standards found in this chapter are met.

(1) Each plan shall provide a spreadsheet on the resources intended to meet the planning standards as

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described in this chapter. This spreadsheet shall account for boom, recovery systems, storage, and personnel by type, quantity, home base and provider.

(2) Ecology will analyze the planning standard spreadsheet provided to determine whether the plan holder has access to equipment and personnel necessary to meet the planning standards.

(3) For purposes of determining plan adequacy, plan holders will include time for notification and mobilization of equipment and personnel. The time needed for a resource to move to the spill site is the sum of the notification, mobilization, and travel times. For dedicated resources owned by the plan holder, the mobilization planning factor to be used by the plan holder, PRC and ecology is thirty minutes. For all other dedicated response equipment the mobilization planning factor is one hour. Nondedicated resources shall have a mobilization planning factor of three hours.

(4) Equipment travel speeds shall be computed using a speed of thirty-five miles per hour for land and five knots for water. Ecology will use standard nautical charts and street maps and available on-line mapping programs to determine the length of time it will take equipment to cover a given distance.

(5) Plan holders may request approval for alternative notification, mobilization, and travel time by providing documentation to justify the request, such as actual performance during spills or unannounced drills.

(a) The request shall include date and time of performance or test, weather/sea state conditions and transportation information.

(b) If ecology accepts these alternative response times then these response times will be tested in unannounced drills to verify alternative calculations.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-350, filed 9/25/06, effective 10/26/06.]

WAC 173-182-355 Transfer sites for covered vessels at locations where transfers occur, and for facilities with a vessel terminal.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage
6	Additional 10,000 feet of boom to be used for containment, recovery or protection could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived	2 times the EDRC
12	Additional 20,000 feet of boom to be used for containment, recovery or protection could have arrived	Capacity to recover the lesser of 15% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	2 times the EDRC
24	Additional 20,000 feet of boom to be used for containment, recovery or protection could have arrived	Capacity to recover the lesser of 20% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	3 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-355, filed 9/25/06, effective 10/26/06.]

WAC 173-182-360 General planning standards for covered vessel transit locations for all of Puget Sound.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
3	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
6	Additional 10,000 feet of boom appropriate for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	1.5 times the EDRC
24	Additional 20,000 feet combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-360, filed 9/25/06, effective 10/26/06.]

WAC 173-182-365 Transmission pipelines and pipeline tank farms. (1) To determine the amount of boom necessary for the two hour standard the plan holder must identify by WRIA, surface waters of the state with the potential to be impacted by a spill from the pipeline.

(a) To determine the two-hour booming requirements, select the widest river within the WRIA.

(b) Determine the average river speed at this location.

(i) For rivers with a current of two knots boom in the amount of three times the widest point in the river that the pipeline could affect.

(ii) For rivers with a current of three knots the requirement would be for five times the widest point in the river that the pipeline could affect.

(iii) For rivers with a current of five knots the requirement would be for seven times the widest point in the river that the pipeline could affect.

(2) Or alternatively, the two hour standard will be two thousand feet of boom.

(3) Boom required for the two hour standard shall be dedicated to spill response and should be staged in various locations along the pipeline.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
1	A safety assessment of the spill by trained crew and appropriate air monitoring could have arrived		
2	Boom available at the spill source or downstream of the source could have arrived		
6	Additional 5,000 feet of boom available for containment, recovery or protection could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 15% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	2 times the EDRC
24	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 20% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	3 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-365, filed 9/25/06, effective 10/26/06.]

WAC 173-182-370 San Juan County planning standard. Those covered vessel and facility plan holders that transit or operate within San Juan County must meet this standard. The resources to meet the two and three hour standards must be resident.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 10,000 feet combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	1.5 times the EDRC
24	Additional 20,000 feet combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-370, filed 9/25/06, effective 10/26/06.]

WAC 173-182-375 Padilla Bay planning standard. Those covered vessel and facility plan holders that transit or operate north of State Highway 20, east of a line drawn from Shannon Point on Fidalgo Island to Kelly's Point on Guemes Island, south of a line drawn from Clark Point on Guemes Island and William Point on Sammamish Island must meet the following standards. Some of the GRPs may be deployed by land.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
1.5	A safety assessment of the spill by trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
2	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 10,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 50% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived on scene. At least 20% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-375, filed 9/25/06, effective 10/26/06.]

WAC 173-182-380 Commencement Bay—Quartermaster Harbor planning standard. Those covered vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 47°19'29"N Long. 122°27'23"W (WGS 1984) must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
1.5	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
2	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 10,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	1.5 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
24	Additional 20,000 feet of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-380, filed 9/25/06, effective 10/26/06.]

WAC 173-182-385 Nisqually planning standard. Those covered vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 47°06'43"N Long. 122°41'53"W (WGS 1984) must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 12,000 feet of boom with at least 2,400 feet of boom being calm water - current capable appropriate for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 50% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 1,000 feet of boom calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-385, filed 9/25/06, effective 10/26/06.]

WAC 173-182-390 Dungeness planning standard. Those covered vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 48°10'56"N Long. 123°06'38"W (WGS 1984) must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived on scene		
6	Additional 7,000 feet of boom with at least 3,000 feet of open water boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. At least 50% must be capable of working in open water environments	1 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
12	Additional 20,000 feet of boom appropriate for all potential areas of impact for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be capable of working in open water environments	1.5 times the EDRC
24	Additional 20,000 feet combination of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-390, filed 9/25/06, effective 10/26/06.]

WAC 173-182-395 Neah Bay staging area. Those covered vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 48°23'06"N Long. 124°35'59"W (WGS 1984) must meet the following standards. This area is very rugged, in order to accomplish deployment of resources logistical considerations will need to be planned for. Access to GRP locations may need to be done by helicopter or by land access, plans must identify all of the equipment that could be used to deploy GRPs. The boom and recovery resources to meet the two, three and six hour standards must be resident.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet or 4 times the length of the largest vessel of open water boom whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 6,000 feet of boom with at least 4,000 feet of open water boom for containment, protection and recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 100% of the recovery devices must be able to work in open water environments	1 times the EDRC
12	Additional 20,000 feet of boom combination of types appropriate for containment, protection and recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 60% of the skimming capability must be able to work open water environments	1.5 times the EDRC
24	Additional 20,000 feet combination of appropriate types of boom for containment, protection and recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-395, filed 9/25/06, effective 10/26/06.]

WAC 173-182-400 Copalis, Flattery Rocks and Quillayute Needles planning standard. Those covered vessel and facility plan holders that transit or operate within the jurisdictional waters of Washington state east of the Three Nautical Mile Line and north of latitude 47°06'00"N, and south of latitude 48°09'00"N (WGS 1984) must meet the following standards. This area is very rugged, in order to accomplish deployment of resources logistical considerations will need to be planned for. Access to GRP locations may need to be done by helicopter or by land access, plans must identify all of the equipment that could be used to deploy GRPs.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
3	Additional 2,000 feet or 4 times the length of the largest vessel of open water boom which-ever is less, to be used for containment, protection or recovery could have arrived on scene		
6	Additional 12,000 feet of boom with at least 6,000 feet of open water boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 100% of the recovery devices must be able to work in open water environments	1 times the EDRC
12	Additional 20,000 feet of boom combination of types appropriate for containment, protection and recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 60% of the skimming capability must be able to work open water environments	1.5 times the EDRC
24	Additional 20,000 feet combination of types appropriate for containment, protection and recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-400, filed 9/25/06, effective 10/26/06.]

WAC 173-182-405 Grays Harbor planning standard. Those covered vessel and facility plan holders that transit or operate within Washington waters in a five nautical mile radius of a point at Lat. 46°54'52.25"N Long. 124°10'26.45"W (WGS 1984) outside the entrance to Grays Harbor must meet these standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom or 4 times the length of the largest vessel of boom to be used for containment, protection or recovery could have arrived on scene		
6	Additional 6,000 feet of boom with at least 2,000 feet of open water boom and 3,000 feet of calm water - current capable appropriate for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 25% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 1,000 feet of calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be able to work in open water, 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-405, filed 9/25/06, effective 10/26/06.]

WAC 173-182-410 Willapa planning standard. Those covered vessel and facility plan holders that transit or operate within Washington waters in a five nautical mile radius of a point at Lat. 46°44'00"N Long. 124°11'00"W (WGS 1984) outside the entrance to Willapa Bay must meet these standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 10,000 feet of boom with at least 6,000 feet of boom being calm water - current capable for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 1,000 feet of calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be able to work in open water, 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-410, filed 9/25/06, effective 10/26/06.]

WAC 173-182-415 Cathlamet staging area. Those covered vessel and facility plan holders that transit or operate on the Columbia River between statute mile 36 and statute mile 42 must meet the following standards. The resources to meet the two and three must be resident

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 7,000 feet of boom with at least 4,200 feet of boom being calm water - current capable for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 5,000 feet of calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less and 25% must be open water capable	1.5 times the EDRC
24	Additional 20,000 feet of boom with at least 10,000 feet of boom being calm water - current capable for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived. At least 25% must be open water capable	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-415, filed 9/25/06, effective 10/26/06.]

WAC 173-182-420 Vancouver planning standard. Those covered vessel and facility plan holders that transit or operate on the Columbia River between statute mile 99 and statute mile 107 must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 6,000 feet of boom with at least 3,000 feet of boom being calm water - current capable containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 5,000 feet of boom being calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom with at least 10,000 feet of boom being calm water - current capable for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-420, filed 9/25/06, effective 10/26/06.]

WAC 173-182-430 Tri-cities planning standard. Those covered vessel and facility plan holders that transit or operate on the Columbia River between statute mile 316 and statute mile 322 must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 8,000 feet of boom with at least 4,800 feet of boom being calm water - current capable for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 5,000 feet of boom being calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
24	Additional 20,000 feet of boom with at least 10,000 feet of boom being calm water - current capable for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery or protection	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-430, filed 9/25/06, effective 10/26/06.]

WAC 173-182-450 Planning standards for the Washington coast. These standards apply to covered vessels that enter Washington waters at the Columbia River, Grays Harbor or the Strait of Juan de Fuca, and offshore facilities.

Plan holders shall be capable of sustaining a worst case spill response and shall develop an addendum specific to Washington's coast, including:

- (1) The capability, if applicable, for in situ burning, dispersant, and mechanical recovery;
- (2) Surveillance equipment (including fixed wing, helicopters and low visibility equipment) to provide for aerial assessment of spill within six hours of spill awareness;
- (3) Time frames and mechanisms to cascade in equipment and other resources for up to seventy-two hours;
- (4) Ten thousand feet of boom appropriate for shoreline protection, containment and/or ten thousand feet of open water boom for enhanced skimming, containment or other use to arrive within twelve hours; and
- (5) Twenty thousand feet of boom appropriate for containment, protection or recovery to arrive within twenty-four hours.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-450, filed 9/25/06, effective 10/26/06.]

Section D—Response and Protection Strategies for Sensitive Areas

WAC 173-182-510 Requirements for response and protection strategies. (1) Plan holders shall have methods to track and contain spilled oil and enhance the recovery and removal operations that are described in the plan.

(2) Each plan shall include a description of how environmental protection will be achieved, including:

- (a) Protection of sensitive shoreline and island habitat by diverting or blocking oil movement;
- (b) The plan shall include a description of the sensitive areas and develop strategies to protect the resources, including information on natural resources, coastal and aquatic habitat types and sensitivity by season, breeding sites, presence of state or federally listed endangered or threatened species, and presence of commercial and recreational species, physical geographic features, including relative isolation of coastal regions, beach types, and other geological characteristics;
- (c) Identification of public resources, including public beaches, water intakes, drinking water supplies, and marinas;
- (d) Identification of shellfish resources and methods to protect those resources;
- (e) Identification of significant economic resources to be protected in the geographic area covered by the plan; and

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(f) Each facility with the potential to impact a "sole source" aquifer or public drinking water source must identify the types of substrate and geographical extent of sensitive sites.

(3) The GRPs have been developed to meet these requirements and plans may refer to the NWACP to meet these requirements. If approved GRPs do not exist in the NWACP, plan holders will work with ecology to determine alternative sensitive areas to protect.

(4) Each plan shall identify potential initial command post locations.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-510, filed 9/25/06, effective 10/26/06.]

WAC 173-182-520 Planning standards for shoreline cleanup. Each plan holder shall identify and ensure the availability of response resources necessary to perform shoreline cleanup operations. This standard will be evaluated using the criteria found in 33 CFR Part 155 Appendix B and 33 CFR 154 Appendix C.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-520, filed 9/25/06, effective 10/26/06.]

WAC 173-182-530 Planning standards for ground water spills. (1) Each facility plan shall include a description of the methods to be used to immediately assess ground water spills.

(2) Facility plan holders shall include contact information in the plan for resources typically used to investigate, contain and remediate/recover spills to ground water.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-530, filed 9/25/06, effective 10/26/06.]

WAC 173-182-540 Planning standards for wildlife rescue and rehabilitation. The plan shall identify applicable federal, state and NWACP requirements for wildlife rescue and rehabilitation, and describe the equipment, personnel, resource and strategies for compliance with the requirements. These resources shall have the capability to arrive on scene within twenty-four hours of spill awareness.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-540, filed 9/25/06, effective 10/26/06.]

Section E—Plan Evaluation

WAC 173-182-610 Plan evaluation criteria. Plan holders shall prepare a plan that demonstrates capability, to the maximum extent practicable, of promptly and properly removing oil and minimizing environmental damage from a

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variety of spill sizes, up to and including worst case spills. Ecology will evaluate plans based on these conditions:

(1) Only ecology approved PRC resources, plan holder owned resources and resources guaranteed through written mutual aid agreements or letters of intent or agreement shall be counted when calculating the planning standards. In the case of nondedicated storage devices, these will be derated by fifty percent of maximum storage volume (counted at a one to two ratio) and acquisition of these resources will be tested in unannounced drills.

(2) If a plan holder operates in an area where more than one planning standard designation applies, ecology will determine the more stringent of planning standards.

(3) Ecology will count equipment if it is appropriate for the operating environment within the geographic area defined in the plan. Ecology will use criteria from sources such as the ASTM International documents, World Catalogue, manufacturer's recommendations, the Regional Response list, the federal Oil Spill Removal Organization guidelines, the *Field Operations Guide* resource typing guidelines and drills and spills to make approval and verification determinations on operating environments.

(4) Ecology will count boom if it is appropriate to the operating environment and support equipment is identified. Support equipment for boom means transportation devices, cranes, anchors, boom tackle, connectors, work boats and operators.

(5) Ecology will only count dedicated response resources towards the two hour standards.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-610, filed 9/25/06, effective 10/26/06.]

WAC 173-182-620 Alternative method of evaluating planning standards. (1) A plan holder may request that ecology review and approve a plan based on alternative planning standards. Such requests should be submitted with the plan and shall be subject to a thirty day public review period.

(2) The proposal must include, at a minimum:

(a) A reference to which planning standard(s) in this chapter the proposal will be substituted for;

(b) A detailed description of the alternative proposal including equipment, personnel, response procedures, and maintenance systems that are being proposed; and

(c) An analysis of how the proposal offers equal or greater protection or prevention measures as compared to the requirement in this chapter.

(3) Ecology may approve the alternative compliance proposal if, based upon the documents submitted and other information available to the agency, it finds that:

(a) The alternative compliance proposal is complete and accurate; and

(b) The alternative compliance proposal provides an equivalent or higher level of protection in terms of spill preparedness and response when compared with the planning standards found in this chapter.

(4) Ecology may reconsider an approval at any time, in response to significant plan changes.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-620, filed 9/25/06, effective 10/26/06.]

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WAC 173-182-630 Process for plan approval. (1)

Upon receipt of a plan, ecology shall evaluate whether the plan is complete, and if not, the plan holder shall be notified of deficiencies within five days. The public review period does not begin until a complete plan is received.

(2) Once a plan is complete, ecology shall notify interested parties and make plans available for public review. Comments will be accepted during the first thirty calendar days of the review period.

(3) If the plan is approved, the plan holder receives a certificate describing the terms of approval, including plan expiration dates.

(a) Ecology may approve a plan conditionally and require a plan holder to operate under specific restrictions until unacceptable components of the plan are revised, resubmitted and approved. Such notice will include specific reference to the regulatory standard in question.

(i) Precautionary measures may include, but are not limited to, additional information for the plan, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) Plan holders who fail to meet conditional requirements or provide required changes in the time allowed will forfeit conditional approval status.

(b) If plan approval is denied, the plan holder shall receive an explanation of the factors for denial and a list of actions necessary to gain approval. The plan holder shall not engage in oil storage, transport, transfer, or other operations without an approved plan.

(4) Ecology may review a plan following an actual spill or drill of a plan and may require revisions as appropriate.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-630, filed 9/25/06, effective 10/26/06.]

PART III: DRILL AND EQUIPMENT VERIFICATION PROGRAM

WAC 173-182-700 Drill participation, scheduling and evaluation. (1)

Plan holders and PRCs shall participate in a drill and equipment verification program for the purpose of ensuring that all contingency plan components function to provide, to the maximum extent practicable, prompt and proper removal of oil and minimization of damage from a variety of spill sizes. In Washington, a modified triennial cycle for drills, as found in the National Preparedness for Response Drill Program (PREP), is relied on to test each component of the plan.

(2) Ecology shall be provided an opportunity to help design and evaluate all tabletop and deployment drills. To ensure this, plan holders shall schedule drills on the NWACP area exercise calendar. Scheduling requirements are noted in the table below.

(3) Ecology shall mail a written drill evaluation report for drills to the plan holder. Credit will be granted for drill objectives that are successfully met.

(4) Objectives that are not successfully met shall be tested again and must be successfully demonstrated within the triennial cycle, except that significant failures will be retested within thirty days.

(5) Plan deficiencies identified in the written evaluation may require plan holders to make specific amendments to the plan.

(6) A plan holder may request an informal review of the ecology evaluation within thirty days of receipt of the report.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-700, filed 9/25/06, effective 10/26/06.]

WAC 173-182-710 Type and frequency of drills. The following drills shall be conducted within each triennial cycle.

Type of Drill	Frequency Within the Triennial Cycle	Special Instructions	Scheduling Instructions
Tabletop drills	3 - one in each year of the cycle	One of the three shall involve a worst case discharge scenario. The worst case discharge scenario drill shall be conducted once every three years.	Must be scheduled at least 60 days in advance, except the worst case discharge scenario at least 90 days in advance.
Deployment drills	6 - done two per year	These drills shall include, GRP deployments, testing of each type of equipment to demonstrating compliance with the planning standards.	Scheduled at least 30 days in advance.
Ecology initiated unannounced drills	As necessary	This drill may involve testing any component of the plan, including notification procedures, deployment of personnel, boom, recovery and storage equipment.	No notice.

(1) Tabletop drills:

(a) Tabletop drills are intended to demonstrate a plan holder's capability to manage a spill using the ICS. Role playing shall be required in this drill.

(b) Once during each three year cycle, the plan holder shall ensure that key members of the regional/national "away" team as identified in the plan shall be mobilized in state for a drill, except that: At ecology's discretion, away team members may be evaluated in out-of-state tabletop drills if ecology has sufficient notice, an opportunity to participate in the drill planning process, and that the out-of-state drills are of similar scope and scale to what would have occurred in state. In this case, key away team members shall be mobilized in this state at least once every five years.

[Title 173 WAC—p. 426]

(2) Equipment deployment drills:

(a) During the triennial cycle, deployment drills shall include a combination of owned and contracted assets.

(b) Plan holders should ensure that each type of equipment listed in the plan and personnel responsible for operating the equipment are tested during each triennial cycle. Plan holders must design drills that will demonstrate the ability to meet the planning standards, including recovery systems and system compatibility. Drills shall be conducted in all operating environments that the plan holder could impact from spills.

(c) At least twice during a triennial cycle, plan holders shall deploy a GRP strategy identified within the plan. If no GRPs exist for the operating area, plan holders will consult with ecology to determine alternative sensitive areas to protect.

(d) Plan holders may request credit for the prebooming of an oil transfer.

(3) Plan holders may receive credit for GRP deployment drills conducted by PRCs if:

(a) The PRC is listed in the plan; and

(b) The plan holder operates in the area, schedules and participates in the drill.

(4) Ecology initiated scheduled inspections and unannounced deployment and tabletop drills.

(a) In addition to the drills listed above, ecology will implement a systematic scheduled inspection and unannounced drill program to survey, assess, verify, inspect or deploy response equipment listed in the plan. This program will be conducted in a way so that no less than fifty percent of the resources will be confirmed during the first triennial cycle, and the remaining fifty percent during the subsequent triennial cycle.

(b) Unannounced drills may be called when specific problems are noted with individual plan holders, or randomly, to strategically ensure that all operating environments, personnel and equipment readiness have been adequately tested.

(c) Unannounced notification drills are designed to test the ability to follow the notification and call-out process in the plan.

(d) Immediately prior to the start of an unannounced deployment or tabletop drill, plan holders will be notified in writing of the drill objectives, expectations and scenario.

(e) Plan holders may request to be excused if conducting the drill poses an unreasonable safety or environmental risk, or significant economic hardship. If the plan holder is excused, ecology will conduct an unannounced drill at a future time.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-710, filed 9/25/06, effective 10/26/06.]

WAC 173-182-720 Evaluation criteria. The PREP guidance document lists fifteen core components that shall be demonstrated during the triennial cycle. Ecology adopts the fifteen core components as the criteria used to evaluate drills. The core components are as follows:

(1) Notifications: Test the notifications procedures identified in the plan.

(2) Staff mobilization: Demonstrate the ability to assemble the spill response organization identified in the plan.

(2007 Ed.)

(3) Ability to operate within the response management system described in the plan. This includes demonstration of the ICS staffing and process identified in the plan.

(4) Source control: Demonstrate the ability of the spill response organization to control and stop the discharge at the source.

(5) Assessment: Demonstrate the ability of the spill response organization to provide an initial assessment of the discharge and provide continuing assessments of the effectiveness of the tactical operations.

(6) Containment: Demonstrate the ability of the spill response organization to contain the discharge at the source or in various locations for recovery operations.

(7) Recovery: Demonstrate the ability of the spill response organization to recover, mitigate, and remove the discharged product. Includes mitigation and removal activities, e.g., dispersant use, in situ burn use, and bioremediation use.

(8) Protection: Demonstrate the ability of the spill response organization to protect the environmentally and economically sensitive areas identified in the NWACP and the plan.

(9) Disposal: Demonstrate the ability of the spill response organization to dispose of the recovered material and contaminated debris in compliance with guidance found in the NWACP.

(10) Communications: Demonstrate the ability to establish an effective communications system throughout the scope of the plan for the spill response organization.

(11) Transportation: Demonstrate the ability to provide effective multimode. Transportation both for execution of the discharge and support functions.

(12) Personnel support: Demonstrate the ability to provide the necessary logistical support of all personnel associated with the response.

(13) Equipment maintenance and support: Demonstrate the ability to maintain and support all equipment associated with the response.

(14) Procurement: Demonstrate the ability to establish an effective procurement system.

(15) Documentation: Demonstrate the ability of the plan holder's spill management organization to document all operational and support aspects of the response and provide detailed records of decisions and actions taken.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-720, filed 9/25/06, effective 10/26/06.]

WAC 173-182-730 Other ways to get drill credit. (1)

Plan holders may request drill credit for a response to an actual spill, provided that ecology has an opportunity to participate and evaluate the spill response. Credit from spills shall not entirely alleviate the plan holder's responsibility to drill.

To obtain credit, a written request to ecology shall be made within sixty days of completion of the cleanup operations.

(a) The request shall include documentation supporting the components of WAC 173-182-720.

(b) Plan holders shall have up to ninety days to submit a lessons learned summary supporting the request for drill credit.

(2007 Ed.)

(2) Plan holders may request drill credit for out-of-state tabletop drills if:

(a) Ecology has been invited to attend the drill;

(b) Ecology has an opportunity to participate in the planning process for the drill. There shall be a meeting to discuss the scope and scale of the exercise, the drill objectives and the types of criteria for which Washington credit may be applicable;

(c) Documentation of the drill and self certification documentation shall be provided to ecology within thirty days of the drill;

(d) The plan holder has one response plan for a number of facilities or a fleet of vessels; and

(e) Plan holders seeking credit for a scheduled out-of-state drill shall notify ecology in writing ninety days in advance, to provide ecology an opportunity to participate.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-730, filed 9/25/06, effective 10/26/06.]

WAC 173-182-740 Drill requirement waivers. (1)

Plan holders may request a waiver for a deployment or tabletop drill requirements.

(2) The request shall be in writing and shall describe why a waiver should be considered and how the plan holder is meeting the purpose and intent of the drill program with the waiver.

(3) Plan holder's requests for a drill waiver will be made available for public review for a period of thirty days.

(4) Ecology will evaluate the request and respond in writing within sixty calendar days of receipt of the letter.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-740, filed 9/25/06, effective 10/26/06.]

PART IV: PRIMARY RESPONSE CONTRACTOR (PRC) STANDARDS

WAC 173-182-800 PRC application. (1) To become a state-approved PRC, a response contractor must:

(a) Submit an application as set forth in subsection (2) of this section;

(b) Have a process to provide twenty-four hour/day contact for spill response;

(c) Commit to begin mobilization efforts immediately upon notification but no later than one hour from notification of a spill;

(d) Maintain equipment in accordance with manufacturer specifications; and

(e) Assist plan holders in meeting the requirements for plans and drills in Washington.

(2) To apply, a contractor should complete, sign and submit the application form number ECY 070-216.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-800, filed 9/25/06, effective 10/26/06.]

WAC 173-182-810 Submittal and review of contractor applications. (1) Once an application is received, ecology will determine whether it is complete. If not, the response contractor shall be notified of deficiencies in writing and given a time period for submitting the required information.

(2) Equipment and personnel readiness will be verified once the application is approved. Ecology may inspect equip-

ment, training records, maintenance records, drill records, and may request a test of the call-out procedures, and require operation of each type of equipment listed in the application. These inspections may be conducted at any/all equipment locations. Any resources not on-site at the time of an inspection shall be accounted for by company records.

(3) If the application is approved and the verification is satisfactory, the contractor shall receive a letter of approval describing the terms of approval, including expiration dates and EDRC of the recovery equipment. PRC approvals will be reviewed by ecology every three years. Applications shall be resubmitted forty-five calendar days in advance of the expiration date.

(4) If the application is not approved, the contractor shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval.

(5) Approval of a response contractor by ecology does not constitute an express assurance regarding the adequacy of the contractor nor constitute a defense to liability imposed under state law.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-810, filed 9/25/06, effective 10/26/06.]

WAC 173-182-820 Significant changes require notification. (1) The PRC is responsible to provide written notification to ecology and plan holders to whom they are obligated, within twenty-four hours, of any significant change in the information reported in the approved application. The notice shall include the identification of back up resources sufficient to maintain the PRC readiness level, and the estimated date that the original equipment shall be back in full service. Changes which are considered significant include loss of equipment that affect the planning standard spreadsheet of any plan holder covered by the PRC, personnel identified in ICS positions by plan holders, changes in equipment ownership, or a greater than ten percent decrease in available spill response equipment. Failure to report changes could result in the loss of PRC approval. Notification by facsimile or e-mail will be considered written notice.

(2) If ecology determines that PRC approval conditions are no longer met, approval may be revoked or conditionally modified. The PRC will receive a written notice of the loss of approval or conditional modifications and a time period to either appeal or correct the deficiency.

(3) Ecology will immediately notify plan holders of changes in the approval status of PRCs.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-820, filed 9/25/06, effective 10/26/06.]

PART V: RECORDKEEPING AND COMPLIANCE INFORMATION

WAC 173-182-900 Recordkeeping. Ecology may verify compliance with this chapter by examining training and equipment maintenance records, drill records, accuracy of call-out and notification lists, spill management team lists, ICS forms, waste disposal records, post-spill reviews and records on lessons learned.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-900, filed 9/25/06, effective 10/26/06.]

[Title 173 WAC—p. 428]

WAC 173-182-910 Noncompliance. (1) If an owner or operator of a covered vessel, onshore or offshore facility, a person or plan holder is unable to comply with an approved contingency plan or otherwise fails to comply with requirements of this chapter, ecology may, at its discretion:

- (a) Place conditions on approval; and
- (b) Require additional drills to demonstrate effectiveness of the plan; or
- (c) Revoke the approval status.

(2) Approval of a plan by ecology does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(3) Any violation of this chapter may be subject to the enforcement and penalty sanctions.

(4) Ecology may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a covered vessel, facility or person is in violation of this section shall be considered a separate violation.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-910, filed 9/25/06, effective 10/26/06.]

WAC 173-182-920 Operation without plan. (1) A covered vessel may not enter or operate on the waters of the state without an approved, or conditionally approved, contingency plan, except that a covered vessel not in compliance with this chapter may enter waters of the state if the Coast Guard has determined that the vessel is in distress.

(2) The owner or operator of an onshore or offshore facility may not operate without an approved, or conditionally approved, plan nor transfer cargo or passengers to or from a covered vessel that does not have an approved, or conditionally approved, contingency plan. The owner or operator of a covered vessel may not transfer oil to or from an onshore or offshore facility that does not have an approved or conditionally approved contingency plan.

(3) Ecology may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this section. In the case of a continuing violation, each day's continuance shall be considered a separate violation.

(4) Any person found guilty of willfully violating any of the provisions of this section, or any final written orders or directive of ecology or a court shall be deemed guilty of a gross misdemeanor and upon conviction shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court. Each day upon which a willful violation of the provisions of this chapter occurs may be deemed a separate and additional violation.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-920, filed 9/25/06, effective 10/26/06.]

WAC 173-182-930 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. 06-20-035 (Order 00-03), § 173-182-930, filed 9/25/06, effective 10/26/06.]

(2007 Ed.)